

**Village of Somers  
7511 12th Street  
Somers, WI 53171**

**Village Work Session Meeting  
Agenda  
Tuesday, December 6, 2022  
5:30 p.m.**

<b>Village Board Work Session Meeting:</b>	
<b>Item #</b>	
1	Call to Order
2	Administrator's Report
3	Engineer's Report
4	President & Trustee Reports
5	Review and discuss 2021 Audit Recommendations with Kathryn Andrea of Andrea & Orendorff, LLP
6	Review and Discuss request for partial payment #4 from Willkomm Excavating & Grading, Inc. in the amount of \$13,021.12 and Request for Change Order #2 for work on 2022 Water Mains (Becknell & First Park 94)
7	Review and Discuss request from Tyler and Deleen Nehls for Release of Conservation Easement on 507 13 <sup>th</sup> Avenue
8	Review and Discuss proposed Contract/Collective Bargaining Agreement between the Village of Somers and the Somers Professional Firefighters IAFF Local 4831
9	Review 2022 3 <sup>rd</sup> Quarter Financials
10	Discussion on revised Special Event and Cabaret Ordinances and Permits
11	<p>Discuss possible restrictions on the following streets:</p> <ul style="list-style-type: none"> <li>• 64th Ave. – No parking on anytime on either side of 64th Avenue from 45th Street to its termination.</li> <li>• 1st Way – No parking anytime on either side of 1st Way from CTH KR to 62nd Avenue.</li> <li>• 62nd Ave.- No parking anytime on either side of 62nd Avenue from 1st Way to its termination.</li> </ul>

	<ul style="list-style-type: none"> <li>• 28th St. – No parking anytime on either side of 28th Street from 120th Avenue to 113th Avenue.</li> <li>• 113<sup>th</sup> Ave. – No parking anytime on 113<sup>th</sup> Ave. from CTH S to its termination.</li> </ul>
12	Discussion regarding CIP Program
13	Review tentative agenda for Village Board meeting on December 13, 2022
14	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the December 6<sup>th</sup>, 2022, Village Work Session & Agenda in 1 public place & on the Village website.

Dated this 2<sup>nd</sup> day of December 2022.

Brandi Baker, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken**



**VILLAGE OF SOMERS  
VILLAGE BOARD  
WORK SESSION ITEM MEMORANDUM**

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**WORK SESSION:** December 6<sup>th</sup>, 2022

**TO:** Village President Stoner and Village Trustees

**FROM:** Jason J. Peters, Administrator

**AGENDA ITEM:** #2 Administrator's Report

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Below please find a bulleted summary of major issues that Administration has worked since our November 1st Work Session:

Development

- There was no November Planning Commission meeting.
- The Plan Commission will meet on December 12<sup>th</sup> to review the following:
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- Over the past month, Engineer Snyder, President Stoner, Attorney Davison, Administrator Peters and First Industrial have been working with KABA on a potential new project in First Park 94. On November 4<sup>th</sup>, 15<sup>th</sup> and 29<sup>th</sup>, our team with the potential new project's site selection committee. Administrator Peters first began working with KABA on the possibility of bringing this warehouse/industrial user to First Park 94 in July. No timeframe has been offered as to when their site selection committee will make their decision, but we have been assured by KABA that our team did a "great job" of presenting First Park 94 and getting the information they requested in a timely manner.
- On November 3<sup>rd</sup>, Chief Andersen, President Stoner, Trustee Sinnen, Plan Commissioner Grimes and Administrator Peters attended HSA's groundbreaking for their warehouse/industrial building on the north side of Highway S, just east of the new Kwik Trip. The building will be called the Highland Commerce Center of Somers. The project was featured in the Kenosha News and the Milwaukee Business Journal.
  - [https://www.kenoshanews.com/news/local/four-major-new-warehouse-projects-underway-along-i-94-corridor-including-two-in-kenosha-county/article\\_7b07e8b0-6774-11ed-ab2a-47bc15898475.html](https://www.kenoshanews.com/news/local/four-major-new-warehouse-projects-underway-along-i-94-corridor-including-two-in-kenosha-county/article_7b07e8b0-6774-11ed-ab2a-47bc15898475.html)

- <https://www.bizjournals.com/milwaukee/news/2022/11/21/i-94-still-fast-spec-hsa-three.html>



- On November 18<sup>th</sup>, Administration, Planning, President Stoner and Chairman Holloway met with representatives from Camping World about a potential project in the Somers/Paris Growth Area.
- On November 29<sup>th</sup>, Golden Oil held their “soft opening” of their new lounge within the BP Kenosha Travel Plaza on Burlington Road. President Stoner and Administrator Peters were in attendance.
- On October 14<sup>th</sup>, Administration, President Stoner, and Trustee Nelson met with representatives from Golden Oil regarding a potential project near I-94 and CTH E. They presented an updated concept and were seeking additional input from the Village.
- Golden Oil continues to work on potential project near I-94 and CTH E. Administration has been in contact with a potential hotel chain that may be part of the project.
- SEWRPC continues to work on our Comprehensive Plan Update. They have provided updates to the first three chapters.
- Carthage College has executed their development agreement for their project on Sheridan Road. The Board approved the building of a new maintenance building earlier this Fall. The 18,000 sq.-ft. building will be located on the north end of campus along 17<sup>th</sup> Street on former residential parcels acquired by the college.
- RCG has completed the requested maintenance items in Somers Market Center. Mister Car Wash has submitted their updated plans and their development agreement should be executed in the near future.

## Administration

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Clerk

- General Election was held on November 8<sup>th</sup>. This election session was very busy.
  - Village has roughly 5300 registered voters, and about 4000 voted.
  - Town has roughly 600 registered voters and about 450 voted.

**VILLAGE OF SOMERS**  
**Engineer's Report**  
**December 1, 2022**

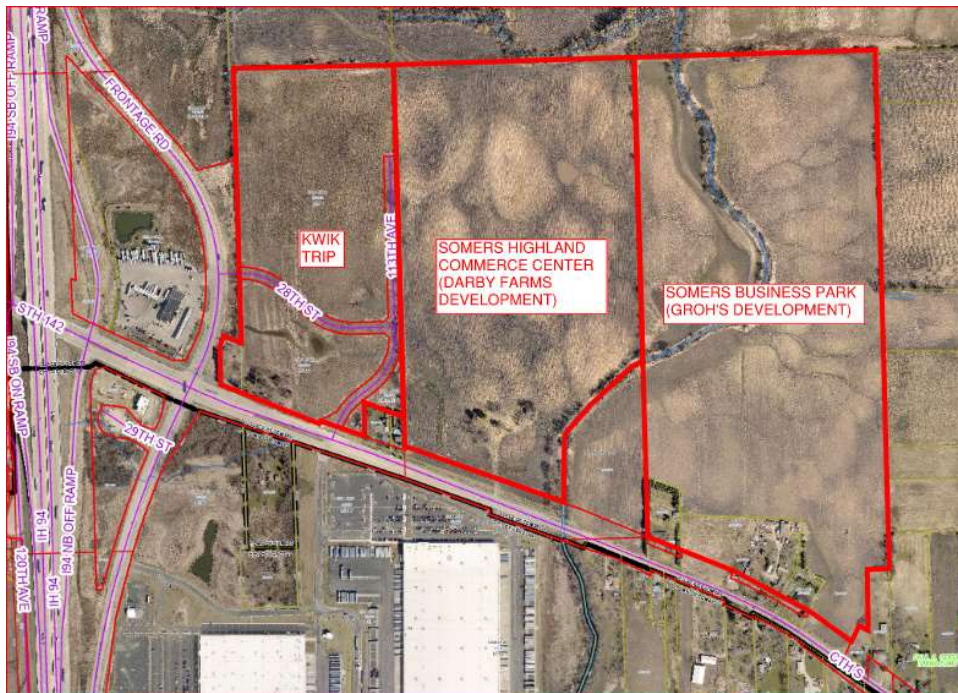
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**Water and Sewer Improvements Under Tawani Letter of Credit**

- Water main and sanitary sewer: Project Number 190375
  - PTS is the Contractor
  - A final payment application and final change order will be available for the December 13<sup>th</sup> agenda packet. The final cost for the water main was \$3,617,661.25; the final cost of the sanitary sewer is \$5,450,680.35.
- Sewage Lift Station and Water Transfer Station: Project No's 201226 and 201227
  - Both stations are operating. Substantial Completion will be the 14 days after the generator start-up provided the Village has the necessary warranties. We are expecting the final paperwork from the Contractor in the next month.
  - The current contract value is \$2,987,716.62.
- Project Budget Comparison: The Village has a letter of credit from Tawani for \$14.5M; the estimated total project cost at completion is \$14.4M.

**Kwik Trip at I-94/Darby Farms/Grohs Developments - All Fronting on CTH S**

- See the snip below. These three projects impact each other because the water and sanitary extend from the I-94 East Frontage area. Kwik Trip is near acceptance; Darby Farms is near final plan approval; and Groh is only in the concept approval phase. Darby Farms will need access, water, and sanitary service from the Kwik Trip; Groh's will need water and sanitary service from Darby Farms. Darby Farms cannot be approved until Kwik Trip is accepted; Groh's cannot be approved until Darby Farms is accepted. A more detailed description of each development follows.



**VILLAGE OF SOMERS**  
**Engineer's Report**  
**December 1, 2022**

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**Kwik Trip at I-94 – Project No. 190376**

- This development has constructed public roadways, water main, and sanitary sewer.
- 113<sup>th</sup> Avenue (a public roadway) runs, generally north to south, along the eastern property line from CTH S to the northerly limits of the current development.
- 28<sup>th</sup> Street (a public roadway) runs, generally west to east following the southern boundary of the Kwik Trip store portion of the development, from the Easterly Frontage Road of I-94 to 113<sup>th</sup> Avenue.
- See the attached listing of items needed for the Engineer's approval recommendation.

**Somers Highland Commerce Center (Darby Farms Development) – Project No. 212046**

- This project is an industrial building on the property directly east of the Kwik Trip development. The developer is HSA Acquisitions. Developer's design and construction engineer is Pinnacle Engineering.
- Utilities will be extended from public mains constructed on the Kwik Trip site.
- All roadways within this development are proposed to be privately-owned and open to the public. There are roadway connections at CTH S and two at 113<sup>th</sup> Avenue (Kwik Trip development). Access point to CTH S is near the east property line. Access points to 113<sup>th</sup> Avenue align with the most northerly Kwik Trip driveway and 28<sup>th</sup> Street.
- Private roadways extend north from CTH S connection in two branches along the east and west sides of the development. The 113<sup>th</sup> connection points are off the westerly branch of the private roadways.
- The developer is being allowed to install the foundations for the original permitted building during the time they are obtaining approval for the floodplain modification. This project does not currently have our recommendation for approval.

**Somers Business Park (Groh's Development) – Project No. 220818**

- This is the property east of the Darby Farms (HSA) development; the Developer is Stream Industrial Development Services. The developer's engineer is Pinnacle Engineering.
- Utilities for this site need to extend through the Darby Farms development. A public roadway is proposed to extend along the east edge of the development from CTH S to northerly development limits.
- The final design is only begun; we are currently working with the developer's engineer to remove a proposed retaining wall from the planned public right-of-way. They are proposing that the Village accept this wall to save the developer money by not needing to bring fill into the site. This wall was not on the site plan approved by planning commission but was vaguely identified in the grading plans supporting the site plan. The developer is currently trying to obtain grading easements from the neighbors to the east to eliminate the need for the wall without the cost of the extra fill.

**VILLAGE OF SOMERS**  
**Engineer's Report**  
**December 1, 2022**

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**Golden Oil Sanitary Sewer Connection - Project No. 212153**

- The developer is Golden Oil; the developer's design engineer is Excel Engineering.
- This connection will be a requirement following the Village acceptance of the Kwik Trip public improvements.
- We may ask that the Village consider holding approval of this sewer extension until Golden Oil agrees to connect to the water system at the same time. They are currently paying to haul their sewage to a municipal wastewater treatment facility and want this sewer extension to save operating cost. Making a municipal water connection will allow for accurate reporting of diversion water to the WNR, prevent the need to install a Village meter on their private well, and allow more water usage on a underused west side municipal water system.

**Savanah at Pike Creek- Project No. 201664**

- This project is an approximately 65-acre townhouse development at the northwest corner of the intersection of CTH L (18th Street) and STH 31 (Green Bay Road). It also includes two outlots for future commercial development. The development will consist of both public and private infrastructure. The developer is the Stoneleigh Company. Developer's design and construction engineer is Kimley-Horn. The 24-inch water main is installed but not planned to be operational until tested following rough grading in the Spring of 2023.

**Storm Water Utility Improvements: 56<sup>th</sup> Avenue and 12<sup>th</sup> Avenue - Project No. 220816**

- Globe Contractors, Inc. is the Contractor.
- This project includes the repair of the existing storm sewer adjacent to 56<sup>th</sup> Avenue and the storm improvements near 12<sup>th</sup> Avenue.
- Punchlist items and close-out documents remain; we expect final payment in January.

**Becknell Development - Project No. 211386**

- This project is an industrial spec building on a planned unit development with access to the East Frontage Road. The developer's design and construction engineer is Pinnacle Engineering.
- AW Oakes has installed the watermain and sanitary sewer. The water main connection from 100<sup>th</sup> Avenue to the East Frontage Road is complete and operational.

**Becknell Offsite and First Park 94 Phase 2 Water Main - Project No's. 212121/ 212502**

- The Contractor is Willkomm Excavating, Inc.
- Change Order #2 quantifying the completed work and zeroing out the contract will be submitted for approval in December with Pay Application #4.
- Punchlist items and close-out documents remain; we expect final payment in January.

**VILLAGE OF SOMERS**  
**Engineer's Report**  
**December 1, 2022**

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**Stormwater Pond Inventory and Sediment Collection – Project No. 210862**

- This project is necessary to satisfy the requirements of the Village MS4 Permit. The Village needs to inventory the regulated stormwater ponds, collect, and test sediment samples, and plan for future sediment removal from the ponds.
- We provided survey datum, a draft pond inventory report, and direction to staff on data collection.
- Staff is currently considering alternate methods of determining sediment depth, including renting an unmanned boat to map the bottom of each pond and allowing the engineer to develop a bathymetric map.

**Flint 94 Development— Project No. 211728**

- This is the planned 3-building development west of I-94 and south of 12<sup>th</sup> St; The Developer is Flint 94 Commerce Center, LLC; their engineer is Pinnacle Engineering.
- Globe has completed the open cut portion of the sanitary sewer and will begin the jack and bore portion the week of December 5, 2022. The substantial completion date is January 31, 2023.
- Brinkmann is the general contractor on the Flint 94 site; Townsend is the underground utility subcontractor. They are waiting with the public improvements until Globe has the casing pipe under I-94.

**45<sup>th</sup> Avenue and 63<sup>rd</sup> Avenue Sewage Pumping Station Replacements—Project No. 201061**

- The project includes the replacement of the suction lift sewage pumping equipment with submersible design like the 7<sup>th</sup> Street LS on Sheridan Road.
- Design is progressing.
- Construction will occur in the summer of 2023.

**Mission94 Firearms Education Center – Project No. 222238**

- Zimmerman is the Architect; Harwood is the Engineer.
- Preliminary plans have been received.
- Review comments were sent to the design team on November 30, 2022.

**Bobcat at I-94 – Project No. 222334**

- Rocco Castellano is the Architect; Pinnacle is the Engineer; Bukacek is the General Contractor.
- Conceptual plans have been received. We are waiting for engineering plans and calculations to review contingent on what improvements are allowed to be placed over the existing gas mains.

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# Items Needed for Engineer's Approval Recommendation

Kwik Trip Development at I-94 – Public Improvements

Village of Somers, WI

11-24-2022

Below is a list of requirements for acceptance of the public improvements:

1. Replace the damaged sections of curb and gutter and straighten the leaning light poles in the right-of-way.



2. Provide the roadway signs with the street names.
3. Provide the necessary no parking signs.
4. Sweep the streets and remove the filters from the storm inlets.
5. We can't locate an easement for the Golden Oil sanitary sewer connection. Provide a legal description and sketch for a separate easement; this was not on the recorded CSM (Document 1907536); the easement area should be at least as large as the vision triangle on the recorded CSM. The Village attorney will return an easement document for signature.
6. Cut the weeds on the vacant parcels and in the public right-of-way.
7. Assist HSA in relocating the WE Energies light poles that are near the access points to the HSA property; relocate any poles that are in danger of a truck collision. We expect there is one pole to be relocated at each entrance to HSA. This item can be removed from this list if a letter is provided by HSA that they will accept responsibility for it as part of their plan review.
8. Provide lien waivers from any contractor involved with the construction of the public improvements and a lien waiver from Kwik Trip.
9. Provide a breakdown of cost for the public-owned water system components itemized by pipe size, valve size, hydrants, and water service size.
10. Provide a breakdown of cost for the public-owned sanitary sewer components itemized by pipe size and manhole size.

Let us know if you need a meeting.

Douglas R. Snyder P.E.



[www.somers.org](http://www.somers.org)

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**VILLAGE OF SOMERS  
VILLAGE BOARD  
WORK SESSION ITEM MEMORANDUM**

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**WORK SESSION:** December 6<sup>th</sup>, 2022

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #5 Review and discuss 2021 Audit Recommendations with Kathryn Andrea of Andrea & Orendorff, LLP

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**BACKGROUND:**

At our November 1<sup>st</sup> Works Kathryn Andrea with Andrea & Orendorff, LLP went over our 2021 Audit with the Board. The Audit was received and filed by the Board at our November 9<sup>th</sup> Board Meeting. In each Audit we received our Auditors provide recommendations to the Village to ensure that our finances are properly documented.

**UPDATE:**

Trustee Harbach and Trustee Ostby have requested that Ms. Andrea attend a Work Session to review these recommendations.

**COMMENTS:**

Staff met with Ms. Andrea on November 30<sup>th</sup> to review the recommendations. Ms. Andrea will be in attendance on December 6<sup>th</sup> to review the recap our staff meeting and go over her recommendations.

**ATTACHMENTS:**

Internal Control Deficiencies Letter 2021 Somers

Recommendations Letter 2021 Somers





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To the Board of Trustees  
Village of Somers

In planning and performing our audit of the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Village of Somers (the Village) as of and for the year ended December 31, 2021, in accordance with auditing standards generally accepted in the United States of America, we considered the Village's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Village's internal control. Accordingly, we do not express an opinion on the effectiveness of the Village's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be material weaknesses and other deficiencies that we consider to be significant deficiencies.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We consider the following deficiencies in internal control to be material weaknesses:

- Financial Reporting – Staff does not possess enough knowledge to prepare the annual statements and footnotes. Most governments operate with only enough staff to process monthly transactions and reports and rely on the auditors to prepare certain year end entries and handle the yearend financial reporting. Under the guidelines, these are considered material weaknesses in your internal control.
- Segregation of Duties – There was a separation of duties weakness related to the Utility Billing and collection process because most of the duties are completed by one person. While misstatements were not identified in the current year related to Utility Billing, the lack of separation of duties is required to be reported as a material weakness.
- Written Accounting Policies & Procedures – There do not appear to be documented accounting policies and procedures manuals and calendars in place to guide fiscal decisions and month-and year-end closing procedures. As a result, typical year-end adjustments were not made, causing the financial statements to be materially misstated. Audit adjustments were posted to correct these misstatements.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

This communication is intended solely for the information and use of management, the Board of Trustees, and others within the Village, and is not intended to be, and should not be, used by anyone other than these specified parties.

*Andrea E. Orendorff LLP*

Andrea & Orendorff LLP  
Kenosha, Wisconsin  
November 9, 2022



10411 Corporate Drive  
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November 9, 2022

To the Board of Trustees and Village management  
Village of Somers  
Kenosha County

Following are suggestions for improvement of accounting and internal control procedures that came to our attention as a result of our audit of the financial statements of the Village of Somers (the Village) for the year ended December 31, 2021. While certain matters which came to our attention during the review are presented herein, such a review is not designed for the purpose of making detail recommendations and would not necessarily disclose defalcations or all weaknesses in the existing system. These suggestions are offered for consideration by the Board for improvement of accounting controls and administrative procedures.

Management and the Board have paved the way for economic development in the Village/Town with the addition of many TIF districts and the Intergovernmental Agreement. This progress adds some complexities to the accounting and fiscal information required by the Village/Town Board and management. Improvements in internal controls and efficiencies will help in the future setup of the Village/Town processes. Some of the items listed in this letter are already in process of being addressed by staff. The Village will see many benefits and savings by addressing these items.

Our audit resulted in three material weaknesses in internal controls reported to the Board. Further details and recommendations related to those weaknesses are below.

#### **1. Financial Reporting**

Village Management and Governance has the ultimate responsibility for preparing complete and accurate financial reports, in accordance with Generally Accepted Accounting Principles (GAAP), as applicable to local governments. Because of inherent limitations encountered by small municipal entities, it is common for these entities to outsource financial statement preparation services to its auditors. It is imperative, however, for management and the Board to possess sufficient understanding of the Village's operations and financial reporting standards to adequately oversee these services. We recommend the Village encourage management to continue increasing their knowledge of financial reporting matters through formal and informal training and education. Related to this, we identified the following:

##### **a. Fixed Asset Tracking**

The Public Works department and the Fiscal department should continue to improve their communication in the area of recording additions and deletions of fixed assets. Gaps remain in this area. New construction projects should be communicated to the Fiscal department immediately so they may maintain a tracking of the project and status. When a capital project is completed, the Fiscal department should be notified so the related assets may to be capitalized and depreciated. Additionally, assets contributed by developers within the TIF districts are not being recorded in the applicable funds. With the TIF projects, the assets often need to get allocated to the water and sewer utilities. The Fiscal department should be made aware of these types of projects and make the appropriate allocations / transfers as the project progresses.

We recommend the Village develop a fixed assets tracking spreadsheet or program. In addition to tracking construction projects, capital purchases, and depreciation, there should be one file that tracks all the statistical information regarding meters, services and hydrants. This information is required by the Public Service Commission. This information should include all assets to be added by the Village, whether they were paid by the Village or contributed by the developers.

A physical inventory of all assets should be taken regularly, and disposals, replacements, and additions should be noted and tracked.

**b. Accounting for Debt & Long-Term Obligations**

We posted significant entries related to properly accounting for the Village's debt and related deferred items (discounts, premiums, gains on refunding, etc) in accordance with GASB 34. The Village has developed a debt tracking spreadsheet; however, it was not fully updated and maintained for the year, and it does not include identification of items related to debt issuance, such as premiums, discounts, and gains. We recommend adding such items to the spreadsheet and ensuring that the document is consistently updated and reconciled to the accounting ledgers.

The Village should also include a document for tracking other long-term obligations, such as payments due to developers and accrued compensated absences. This activity should be recorded by the Village in its proprietary funds, and tracked on the spreadsheet for governmental funds. Entries for recording debt activity and amortization of related accounts should be recorded timely.

During 2021, the Village missed a payment due to a developer on a long-term obligation. We recommend developing a calendar for debt service and long-term obligation payment due dates to ensure timely payment of all obligations.

**c. Accounting for Retirement Benefits**

The Village participates in a variety of pension and other post-retirement benefit systems, which require specific accounting treatment and disclosure under GASB 34. The Village may rely on the auditors to propose the journal entries related to these plans; however, we recommend the Village management become familiar with the accounting and disclosure requirements to ensure daily transactions are being properly recorded, and that year-end balances are accurately reported and disclosures are complete.

**2. Separation of Duties - Utility Billing and Collection Process**

The Village should require a second person perform part of the Utility billing and collections process, as well as the customer records maintenance process. The processes need to be reviewed to utilize the efficiencies offered by the new software. There is some risk in this area as one person performs most of the process and some of the records are kept in Word and Excel off of the system. Our suggestion is to split up some of the process to other staff so there is more segregation of duties. For example, a person other than the one responsible for entering the receipts and preparing the billings should enter new customers and rates. The system's security access should be modified to improve these internal controls and not allow access to the whole module by the utility clerk.

### **3. Written Accounting Policies & Procedures**

The Village experienced turnover of key fiscal staff near the end of 2021 and early in 2022. As a result, certain year-end accounting functions were not identified and performed in absence of these individuals and their base of knowledge. In order to ensure fiscal procedures are performed completely and adequately regardless of who is on staff, we strongly suggest developing a written policies and procedures manual covering all the accounting transactions and processes that should occur, along with a calendar dictating the timeline for these transactions. Specifically, we noted the following recurring and routine transactions were not properly recorded, and posted audit adjustments accordingly:

- a. PSC Regulatory Liability amortization
- b. Annual interest accruals
- c. Annual tax settlement activity, including recognizing property tax revenue and properly recording receivables / deferrals at year-end
- d. Annual special assessments activity, including receivables and deferred amounts
- e. Fire and Ambulance receivables and revenue (November & December 2021)
- f. Accrual for payroll & related taxes/benefits incurred but not yet paid at year-end.
- g. Accounts payable for expenses incurred but not yet paid at year-end
- h. Unearned revenue for grants received but not yet earned at year-end
- i. Prepaid balances for expenses paid but not yet incurred by year-end
- j. Allocation of expenses (particularly administration) among TID funds for the year
- k. Developer payments

In addition to items impacting the internal control material weaknesses identified above, we also identified the following opportunity for process improvement related to technology.

### **4. Review of ERP Security Settings**

Management should perform a periodic review of the ERP security settings to ensure that the controls of the system are in use and match the desired level of internal controls based on individual job duties and management oversight.

We reviewed Security Settings effective as of 6/28/2022, and noted the following employees who were terminated, but who still were included as users of the ERP system. We recommend these users be terminated from the system promptly. We also recommend implementing a procedure by which terminated employees are removed from access to the system immediately upon departure from employment.

- Tim Kitzman
- Anandhi Krishnan
- Mary Cole
- Heather Teigland

### **5. TIF Reporting & Monitoring**

The Village reporting entity includes 11 individual Tax Increment Financing Districts, which are subject to many specific regulatory and reporting requirements. With significant activity ongoing in these Districts, we recommend developing and implementing a system of monitoring and tracking activity to ensure all amounts are properly reported within the correct District funds, and that all reporting and auditing requirements are met in a timely manner.

Thank you for the opportunity to work with you. If you have any questions, please contact us during the year. Our thanks also go to the staff and board for their cooperation and assistance in completing this audit.

*Andrea & Orendorff LLP*

Andrea & Orendorff LLP  
Certified Public Accountants



**VILLAGE OF SOMERS  
VILLAGE BOARD  
WORK SESSION ITEM MEMORANDUM**

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**WORK SESSION:** December 6<sup>th</sup>, 2022

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #6 Review and Discuss request for partial payment #4 from Willkomm Excavating & Grading, Inc. in the amount of \$13,021.12 and Request for Change Order #2 for work on 2022 Water Mains (Becknell & First Park 94)

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**BACKGROUND:**

In December of 2021, the Board approved a development agreement with Becknell. The Board agreed to participate in extending water main from the corner of CTH L to the proposed project. This main will be necessary to facilitate the required fire protection flows for a project of this size.

First Park 94 Phase II Water Main project has been listed in our TID #1 CIP for some time and is listed as a 2022 project. This project will serve to “loop” the water main in the park and will serve to provide sufficient flows to our new water mains west of the subcontinental divide.

On March 22, 2022, the Board awarded the bid for 2022 Water Mains (Becknell & First Park 94) to Willkomm Excavating & Grading, Inc. in the amount of \$1,099,968.80. On September 13<sup>th</sup>, the Board approved Change Order #1 that added an additional \$13,035 to the contract. The total contract price is now \$1,113,003.80.

Partial funding for this project came in the form of \$400,000 from Becknell and the remainder will be funded by our recent General Obligation Promissory Note, 2022A from Tri-City.

Willkomm Excavating & Grading, Inc. has submitted its third request for partial payment in the amount of \$93,387.70. The Board has previously approved the following:

- |                           |                  |              |
|---------------------------|------------------|--------------|
| • 1 <sup>st</sup> request | May 24, 2022     | \$409,779.36 |
| • 2 <sup>nd</sup> request | June 28, 2022    | \$591,838.24 |
| • 3 <sup>rd</sup> request | October 25, 2022 | \$93,387.70  |

Payments to date

\$1,095,005.30

UPDATE:

The Village has received a fourth request for payment from Willkomm Excavating & Grading, Inc. in the amount of \$13,021.12. The Village has also received a request for Change Order #2. The net increase to the contract would \$23,433.55. The majority of this increase was due to the need to remove a greater number of trees that were over 6 inches in diameter for the project and due to the need to use different Fire Hydrant Barrel Extensions due to supply chain issues.

COMMENTS:

Engineer Biwer will be in attendance on December 6th to answer any questions. Staff would request these matters be placed on our December 13th Board Meeting Agenda for action.

ATTACHMENTS:

Engineer Biwer Recommendation on Willkomm Excavating & Grading, Inc.  
2022 Water Mains (Becknell & First Park 94) -Payment #4

Change Order #2

December 1, 2022

Brandi Baker, Village Clerk  
Village of Somers  
7511 12<sup>th</sup> Street  
Somers, WI 53171

**Subject: 2022 Water Mains – Payment Recommendation**

Dear Village Clerk,

Enclosed is an Application for Payment from Willkomm Excavating & Grading, Inc., Contractor, for work performed on the 2022 Water Mains project. The following is our opinion of the amount due and payable to the Contractor, contingent on approval of Change Order #2:


Contract Price Including C.O. #1 & #2	\$1,136,437.35
Work Completed to Date	\$1,136,437.35
Less Amount Retained	<u>(\$28,410.93)</u>
Subtotal	\$1,108,026.42
Less Previous Payments	<u>\$1,095,005.30</u>
Total Amount Due for Partial Payment 4	\$13,021.12

A breakdown of costs attributed to TID #6 (Becknell) and TID #1 (First Park 94) will be provided at project completion.

**We recommend payment to Willkomm Excavating & Grading, Inc. for \$13,021.12.**

Sincerely,

BAXTER & WOODMAN, INC.  
CONSULTING ENGINEERS

  
Brett D. Biber, P.E.

BDB/bdb

Encs.

C/encs.: Jason Peters, Administrator (email)  
Doug Snyder, Village Engineer (email)  
Nathan Willkomm, Willkomm, Inc. (email)

To(OWNER): Village/Town of Somers  
7511 - 12th Street  
Somers, WI 53171

Project: 2022 Water Main - Somers

Application No: 4  
Invoice No: 22-002-4  
Invoice Date: 10/18/2022  
Terms: Net 30  
Due Date: 11/17/2022  
Period To: 10/22/2022  
Project No:  
Contract Date:

From: Willkomm Excavating & Grading, Inc.  
17108 County Line Road  
Union Grove, WI 53182  
(262) 878-0877

Via(Architect/  
Engineer)

For:

Original Contract sum.....	1,099,968.80
Change Orders.....	13,035.00
Contract sum.....	1,113,003.80
Completed to date.....	1,136,437.35
Retainage.....	28,410.93
Total earned less retainage.....	1,108,026.42
Previous billings.....	1,095,005.30
Current payment due.....	13,021.12
Sales tax.....	0.00
Total due.....	13,021.12

To(OWNER): Village/Town of Somers  
 7511 - 12th Street  
 Somers, WI 53171

Project: 2022 Water Main - Somers

Application No: 4  
 Invoice No: 22-002-4  
 Invoice Date: 10/18/2022  
 Terms: Net 30  
 Due Date: 11/17/2022  
 Period To: 10/22/2022  
 Project No:  
 Contract Date:

From: Willkomm Excavating & Grading, Inc.  
 17108 County Line Road  
 Union Grove, WI 53182  
 (262) 878-0877

Via(Architect/  
 Engineer)

For:

No.	Description	Total Quantity	Unit	Total Cost	Total Cost	Completed Units	Current Value	Prior Value	Due This Request
1010.70	Mobilization	1	LS	2,884.00	2,884.00	1	2,884.00	2,884.00	0.00
1020.790	Construction Layout & Staking	1	LS	5,253.00	5,253.00	1	5,253.00	5,253.00	0.00
1030.457235	Drain Tile R & R	4	EA	319.00	1,276.00	0	0.00	0.00	0.00
1040.840	Tree Removal 6" ti 20" Diam	12	EA	464.00	5,568.00	36	16,704.00	16,704.00	0.00
1051.631210	Water Main (Open Cut) 12"	3,537	LF	75.00	265,275.00	3,562	267,150.00	267,150.00	0.00
1052.631611	Water Main 16" Gran BF	15	LF	417.00	6,255.00	13	5,421.00	5,421.00	0.00
1060.631320	Water Main (Direct Drill) 12"	450	LF	143.00	64,350.00	450	64,350.00	64,350.00	0.00
1070.621120	Gate Balve & Box 12"	7	EA	3,669.00	25,683.00	7	25,683.00	25,683.00	0.00
1080.61371	Gate Valve & Vault 12"	1	EA	14,662.00	14,662.00	1	14,662.00	14,662.00	0.00
1090.622160	Butterfly Valve & Box 16"	1	EA	5,318.00	5,318.00	1	5,318.00	5,318.00	0.00
1100.61821	Fire Hydrant	9	EA	6,586.00	59,274.00	9	59,274.00	59,274.00	0.00
1110.61826	Fire Hydrant Barrel Extension	9	EA	787.00	7,083.00	15.5	12,198.50	12,198.50	0.00
1120.623162	Connect to Water Main 16"	1	EA	5,083.00	5,083.00	1	5,083.00	5,083.00	0.00
1130.25896	Granular Backfill	661	LF	27.00	17,847.00	661	17,847.00	17,847.00	0.00
1141.830	Silt Fence	4,990	LF	1.85	9,231.50	5,481	10,139.85	10,139.85	0.00
1142.831	Erosion Mat	466	SY	1.55	722.30	85	131.75	131.75	0.00
1143.310	Construction Entrance	1	EA	2,259.00	2,259.00	1	2,259.00	2,259.00	0.00
1150.830	Restoration of Unpaved Areas	1	LS	13,355.00	13,355.00	1	13,355.00	0.00	13,355.00
1160.815	Traffic Control & Protection	1	LS	515.00	515.00	1	515.00	515.00	0.00
2010.70	Mobilization	1	LS	2,884.00	2,884.00	1	2,884.00	2,884.00	0.00
2020.890	Construction Layout & Staking	1	LS	5,665.00	5,665.00	1	5,665.00	5,665.00	0.00
2030.457235	Drain Tile R & R	4	EA	319.00	1,276.00	1	319.00	319.00	0.00
2040.631610	Water Main (Open Cut) 16"	3,594	LF	126.00	452,844.00	3,604	454,104.00	454,104.00	0.00
2050.622160	Butterfly Valve & Box 16"	6	EA	4,530.00	27,180.00	6	27,180.00	27,180.00	0.00
2060.61821	Fire Hydrant	6	EA	6,550.00	39,300.00	7	45,850.00	45,850.00	0.00
2070.618210	Fire Hydrant (Air Release)	4	EA	6,460.00	25,840.00	3	19,380.00	19,380.00	0.00
2080.61826	Fire Hydrant Barrel Extension	10	LF	852.00	8,520.00	15	12,780.00	12,780.00	0.00
2090.623162	Connect to Water Main 16"	2	EA	4,254.00	8,508.00	2	8,508.00	8,508.00	0.00
2100.25896	Granular Backfill	270	LF	30.00	8,100.00	276	8,280.00	8,280.00	0.00
2110.830	Silt Fence	2,500	LF	1.85	4,625.00	3,725	6,891.25	6,891.25	0.00
2120.830	Restore Of Unpaved Areas	1	LS	3,333.00	3,333.00	1	3,333.00	3,333.00	0.00
3000.01	CO 01 Excavate Topsoil & Fill	1	LS	13,035.00	13,035.00	1	13,035.00	13,035.00	0.00
					<u>1,113,003.80</u>		<u>1,136,437.35</u>	<u>1,123,082.35</u>	<u>13,355.00</u>

Becknell  
 \$13,355.00

First Park  
 \$0.00

**WAIVER OF LIEN TO DATE**

STATE OF Wisconsin )  
COUNTY OF Kenosha )

TO WHOM IT MAY CONCERN:

WHEREAS the undersigned has been employed by Village of Somer to furnish Utilities for the premises known as 2022 Water Main - Somers, of which is owned by Village of Somers

THE undersigned, for and in consideration of Thirteen Thousand Twenty One Dollars and 12/100 (\$13,021.12) dollars, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby conditionally\*\* waives its right to lien, under the State of Wisconsin statutes, relating to construction liens, with respect to and on said above-described premises, and the improvement thereon, and on the material, fixtures, apparatus, or machinery furnished, and on the moneys, funds, or other consideration due, or to become due, from the owner, on account of labor, services, material, fixtures, apparatus, or machinery, furnished, or which may be furnished, at any time hereafter, by the undersigned for the above-described premises. INCLUDING EXTRAS\*.

DATE: 10/18/2022

COMPANY NAME: Willkomm Excavating & Grading, Inc.  
ADDRESS: 17108 County Line Road  
Union Grove WI 53182

SIGNATURE AND TITLE: Nicholas D. Willkomm

\* EXTRAS ARE LIMITED TO APPROVED CHANGE ORDERS TO THE CONTRACT. AMOUNT DOES NOT INCLUDE ANY CHANGE ORDER REQUEST SUBMITTED TO GENERAL CONTRACTOR, BUT NOT YET COUNTER-EXECUTED, AND ANY CHANGE ORDER STILL BEING NEGOTIATED WITH GENERAL CONTRACTOR.  
\*\* This waiver is conditioned upon the actual receipt of payment. If the check is returned "NSF" or payment is stopped, this lien waiver is void.

**CONTRACTOR'S AFFIDAVIT**

STATE OF Wisconsin )  
COUNTY OF Kenosha )

TO WHOM IT MAY CONCERN:

THE undersigned, Nicholas A Willkomm, being duly sworn, deposes and says that he is President of Willkomm Excavating & Grading, Inc., who is the contractor furnishing Site Excavation & Site Utilities on the project located at 18th St & 100th Ave and 88th Ave & 38th St, Somers WI, and owned by Village of Somers.

That the total amount of the contract, including extras\*, is \$1,136,437.35, on which we have received payment of \$ 1,095,005.30 prior to this payment. That this waiver is true, correct, and genuine. That the following are the names of all parties who have furnished material or labor, or both, for said work, and all the parties having a contract or subcontract for a specific portion of said work, or for material, entering into the construction thereof, and the amount due or to become due to each, and that the items mentioned include all labor and material required to complete said work according to plans and specifications:

NAMES	WHAT FOR	CONTRACT PRICE	APPROVED CO	AMOUNT PAID	THIS PAYMENT	BALANCE DUE
Willkomm Excavating & Grading, Inc.	Utilities	\$ 345,378.90	\$ -	\$ 305,585.39	\$ 11,382.58	\$ 28,410.93
Concrete Specialties	Structure	\$ 2,274.66	\$ -	\$ 2,274.66	\$ -	\$ -
Core & Main	Pipe	\$ 708,003.18	\$ -	\$ 708,003.18	\$ -	\$ -
Reesman	Aggregate	\$ 10,288.72	\$ -	\$ 10,288.72	\$ -	\$ -
Super Aggregate	Aggregate	\$ 37,886.80	\$ -	\$ 37,886.80	\$ -	\$ -
T & T Tree	Clearing	\$ 16,200.00	\$ -	\$ 15,390.00	\$ 810.00	\$ -
Highway Landscaper	Landscaping	\$ 16,405.09	\$ -	\$ 15,576.55	\$ 828.54	\$ -
<b>TOTAL LABOR AND MATERIAL TO COMPLETE</b>		<b>\$ 1,136,437.35</b>	<b>\$ -</b>	<b>\$ 1,095,005.30</b>	<b>\$ 13,021.12</b>	<b>\$ 28,410.93</b>

That there is no other outstanding contract for said work, and there is nothing due or to become due to any person for material, labor, or other work of any kind done, or to be done, upon or in connection with said work other than above-stated.

DATE: 11/11/2022

SIGNATURE Nicholas D. Willkomm  
November, 2022

Subscribed and sworn to before me this 11th

\* EXTRAS ARE LIMITED TO APPROVED CHANGE ORDERS TO THE CONTRACT. AMOUNT DOES NOT INCLUDE ANY CHANGE ORDER REQUEST SUBMITTED TO GENERAL CONTRACTOR, BUT NOT YET COUNTER-EXECUTED, AND ANY CHANGE ORDER STILL BEING NEGOTIATED WITH GENERAL CONTRACTOR.

My Commission Expires: 5/15/2024  
NOTARY PUBLIC



00 63 63

CHANGE ORDER #2

**PROJECT:** 2022 Water Mains **DATE OF ISSUANCE:** November 30, 2022

**OWNER:** Village of Somers **ENGINEER:** Baxter & Woodman, Inc.  
7511 12<sup>th</sup> St. 256 S. Pine St.  
Somers, WI 53171 Burlington WI, 53105

**CONTRACTOR:** Willkomm Excavating & Grading, Inc. **ENGINEER's Project No.** 212121.60/212502.60  
17108 County Line Road  
Union Grove, WI 53182

You are directed to make the following changes in the Contract Documents:

**Description:** Project Close-Out

**Purpose of Change Order:** Quantify completed work and zero out contract

**Attachments:** List of final quantities and cost.

**CHANGE IN CONTRACT PRICE:**

Original Contract Price: \$1,099,968.80

Previous Change Orders:  
No. - to No. 1 \$13,035.00

Current Contract Price: \$1,113,003.80

Net increase of this Change Order: \$23,433.55

Contract Price with this Change Order: \$1,136,437.35

**CHANGE IN CONTRACT TIME:**

Original Contract Time:  
Substantial Completion: July 1, 2022  
Completion: August 26, 2022

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Change from previous Change Orders: None

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Current Contract Time:  
Substantial Completion: July 1, 2022  
Completion: August 26, 2022

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Net Increase of this Change Order: None

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Contract Time with this Change Order:  
Substantial Completion: July 1, 2022  
Completion: August 26, 2022

**PREPARED BY:**  
BAXTER & WOODMAN, INC.

**APPROVED:**  
VILLAGE OF SOMERS, WI

**ACCEPTED:**  
Willkomm Exc. & Grading, Inc.

By Brett D. Biwer  
Brett D. Biwer, P.E.  
Project Manager

By \_\_\_\_\_  
George Stoner  
Village President

By Nicholas B. Willkomm  
Nicholas Willkomm  
President

FINAL QUANTITIES  
2022 WATER MAINS  
VILLAGE OF SOMERS

No.	Item	Unit	BID AMOUNT			FINAL AMOUNT		Bid to Final Difference
			Bid Qty	Unit Price	Bid Amount	Final Qty	Final Amount	
<b>SECTION A: BECKNELL OFFSITE WATER MAIN</b>								
1	Mobilization	LS	1	\$ 2,884.00	\$ 2,884.00	1	\$ 2,884.00	\$ -
2	Construction Layout and Staking	LS	1	\$ 5,253.00	\$ 5,253.00	1	\$ 5,253.00	\$ -
3	Drain Tile Removal and Replacement	EA	4	\$ 319.00	\$ 1,276.00	0	\$ -	\$ (1,276.00)
4	Tree Removal 6" to 20" Diameter	EA	12	\$ 464.00	\$ 5,568.00	36	\$ 16,704.00	\$ 11,136.00
5a	Water Main (Open Cut) 12-Inch	LF	3,537	\$ 75.00	\$ 265,275.00	3,562	\$ 267,150.00	\$ 1,875.00
5b	Water Main (Open Cut) 16-Inch	LF	15	\$ 417.00	\$ 6,255.00	13	\$ 5,421.00	\$ (834.00)
6	Water Main (Directionally Drilled) - 12-Inch	LF	450	\$ 143.00	\$ 64,350.00	450	\$ 64,350.00	\$ -
7	Gate Valve and Box - 12-Inch	EA	7	\$ 3,669.00	\$ 25,683.00	7	\$ 25,683.00	\$ -
8	Gate Valve and Vault - 12-Inch	EA	1	\$ 14,662.00	\$ 14,662.00	1	\$ 14,662.00	\$ -
9	Butterfly Valve and Box - 16-Inch	EA	1	\$ 5,318.00	\$ 5,318.00	1	\$ 5,318.00	\$ -
10	Fire Hydrant	EA	9	\$ 6,586.00	\$ 59,274.00	9	\$ 59,274.00	\$ -
11	Fire Hydrant Barrel Extension	LF	9	\$ 787.00	\$ 7,083.00	15.5	\$ 12,198.50	\$ 5,115.50
12	Connect to Water Main (Non-Pressure) - 16-Inch	EA	1	\$ 5,083.00	\$ 5,083.00	1	\$ 5,083.00	\$ -
13	Granular Backfill	LF	661	\$ 27.00	\$ 17,847.00	661	\$ 17,847.00	\$ -
14a	Silt Fence	LF	4,900	\$ 1.85	\$ 9,231.50	5,481	\$ 10,139.85	\$ 908.35
14b	Erosion Mat	SY	466	\$ 1.55	\$ 722.30	85	\$ 131.75	\$ (590.55)
14c	Construction Entrance	EA	1	\$ 2,259.00	\$ 2,259.00	1	\$ 2,259.00	\$ -
15	Restoration of Unpaved Area	LS	1	\$ 13,355.00	\$ 13,355.00	1	\$ 13,355.00	\$ -
16	Traffic Control and Protection	LS	1	\$ 515.00	\$ 515.00	1	\$ 515.00	\$ -
	Change Order #1						\$ 13,035.00	\$ 13,035.00
<b>SECTION A TOTAL</b>					<b>\$ 511,893.80</b>		<b>\$ 541,263.10</b>	<b>\$ 29,369.30</b>
<b>SECTION B: FIRST PARK 94 - PHASE II WATER</b>								
1	Mobilization	LS	1	\$ 2,884.00	\$ 2,884.00	1	\$ 2,884.00	\$ -
2	Construction Layout and Staking	LS	1	\$ 5,665.00	\$ 5,665.00	1	\$ 5,665.00	\$ -
3	Drain Tile Removal and Replacement	EA	4	\$ 319.00	\$ 1,276.00	1	\$ 319.00	\$ (957.00)
4	Water Main (Open Cut) - 16-Inch	LF	3,594	\$ 126.00	\$ 452,844.00	3,604	\$ 454,104.00	\$ 1,260.00
5	Butterfly Valve and Box - 16-Inch	EA	6	\$ 4,530.00	\$ 27,180.00	6	\$ 27,180.00	\$ -
6	Fire Hydrant	EA	6	\$ 6,550.00	\$ 39,300.00	7	\$ 45,850.00	\$ 6,550.00
7	Fire Hydrant (Air Release)	EA	4	\$ 6,460.00	\$ 25,840.00	3	\$ 19,380.00	\$ (6,460.00)
8	Fire Hydrant Barrel Extension	LF	10	\$ 852.00	\$ 8,520.00	15	\$ 12,780.00	\$ 4,260.00
9	Connect to Water Main (Non-Pressure) - 16-Inch	EA	2	\$ 4,254.00	\$ 8,508.00	2	\$ 8,508.00	\$ -
10	Granular Backfill	LF	270	\$ 30.00	\$ 8,100.00	276	\$ 8,280.00	\$ 180.00
11	Silt Fence	LF	2,500	\$ 1.85	\$ 4,625.00	3,725	\$ 6,891.25	\$ 2,266.25
12	Restoration of Unpaved Area	LS	1	\$ 3,333.00	\$ 3,333.00	1	\$ 3,333.00	\$ -
<b>SECTION B TOTAL</b>					<b>\$ 588,075.00</b>		<b>\$ 595,174.25</b>	<b>\$ 7,099.25</b>
<b>SECTION A &amp; B TOTAL</b>					<b>Bid Total: \$ 1,099,968.80</b>		<b>Final Total: \$ 1,136,437.35</b>	<b>\$ 36,468.55</b>

**PROJECT SUMMARY**

Original contract Sum:	\$ 1,099,968.80	
Net Change by Change Order:	\$ 36,468.55	Change Orders #1 & #2
Final Contract Sum:	\$ 1,136,437.35	
Total Completed to Date:	\$ 1,136,437.35	
Retainage:	\$ -	
Total Earned Less Retainage:	\$ 1,136,437.35	
Less Previous Certificates for Payment:	\$ 1,136,437.35	
Current Payment Due:	\$ -	
Balance to Finish:	\$ -	

**CHANGE ORDER SUMMARY**

Change Order #1:	\$ 13,035.00
Change Order #2:	\$ 23,433.55
	\$ 36,468.55



www.somers.org

P.O. Box 197, Somers, WI 53171 • PH: (262) 859-2822 • FAX: (262) 859-2331

**VILLAGE OF SOMERS  
VILLAGE BOARD  
WORK SESSION ITEM MEMORANDUM**

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**WORK SESSION:** December 6<sup>th</sup>, 2022

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #7 Review and Discuss request from Tyler and Deleen Nehls for Release of Conservation Easement on 507 13th Avenue

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**BACKGROUND:**

Planning and Administration has been working with the Nehls for some time on their desire to build a house on their property on 13<sup>th</sup> Avenue. As a part of this process, the Village did a site visit. Mr. Nehls explained that there was a conservation easement placed on the CSM that split the original lot. Lots 1 and 2 have since been combined by the Nehls. The Nehls would like to remove the conservation easement on Lot 3 so that a portion of their now combined lot can be sold to their neighbors, the Bonns. The Nehls' Attorney Anthony Nudo has prepared the required documents and submitted them to the Village. Attorney Davison has reviewed both the documents and the process to remove said easements.

**COMMENTS:**

Administration has no objection to the release of the conservation easement and is seeking guidance from the Board as to their willingness to execute the proposed release. If the Board agrees, then staff would request this matter be placed on our December 13<sup>th</sup> Board Meeting Agenda for action.

**ATTACHMENTS:**

Letter from Attorney Nudo

Proposed Release of Easement

2007 Record CSM

Lot 3 with Current Easement Noted

Map of Area

December 1, 2022

VIA EMAIL ONLY

Jason Peters, Village Administrator  
Village of Somers  
7511 12<sup>th</sup> Street  
PO Box 197  
Somers, WI 53171

Re: Release of Restrictions – Conservation Easement at 507 13<sup>th</sup> Ave, Somers, WI

Dear Mr. Peters:

I am assisting Tyler and Deleen Nehls, the owner of referenced property, and their neighbors, Tony and Patricia Bonn (through their son, Marc Bonn), in obtaining a release of a conservation easement on the Nehls property. I write to provide you the history of the conservation easement and the reason we ask to be released from the same.

The Nehls purchased the subject property, which contains 14.57 acres, from Sands and Marianne Ruffalo in 2020. The Ruffalos formerly lived at the property. In 2006 or 2007, the Ruffalos lost their house in a fire. In 2007, the Ruffalos petitioned the County and then-Town of Somers to divide the 14.57 acres into three separate lots. As is typical in a land division, the Ruffalos engaged their neighbors for feedback. The Bonns requested a “conservation easement” be placed between their property and the adjoining Ruffalo lot to ensure that no accessory structures would be built on that portion of the land (i.e. a garage or pole barn). The Ruffalos and government agencies agreed to this request.

In 2020, following the purchase of all three lots, the Nehls combined Lot 1 and Lot 2 to build their homestead. The conservation easement is on Lot 3. The Bonns desire to purchase a portion of Lot 3 from the Nehls and the Nehls desire to sell it to the Bonns. The parties propose that the portion of land be attached to the Bonn property. That portion of land contains a portion of the conservation easement. The Bonns would like to use the purchased land for their recreation, including possibly building a gazebo or adding a bird feeder. That activity would be prohibited if the conservation easement remains.

The conservation easement was placed for the Bonns’ benefit. The need for the conservation easement is moot upon the Bonns purchasing that portion of land. The parties mutually request that the Village of Somers approves the release of restrictions and executes the enclosed instrument for recording with the Register of Deeds.

Mr. Peters  
Village of Somers  
December 1, 2022  
Page 2

Sincerely,

**TERRY & NUDO, LLC**

A handwritten signature in black ink, appearing to read 'AN', written over the company name.

Anthony Nudo

AN/klb  
c.c. Nehls and Bonn

**RELEASE OF RESTRICTIONS**  
**CONSERVATION EASEMENT**

Document Number

Document Title

**WHEREAS**, in conjunction with land division activities conducted in the Town of Somers (now the Village of Somers) in 2007 and years before and after that date, the property owner and subdivider of land included within Kenosha County Certified Survey Map No. 2597, recorded in the office of the Kenosha County Register of Deeds as Document No. 1538458, sought to divide land as contemplated in such certified survey map;

**WHEREAS**, a conservation easement was created as it appears on the face of Kenosha County Certified Survey Map No. 2597;

**WHEREAS**, the following note appears on the face of Kenosha County Certified Survey Map No. 2597:

No improvements shall be permitted in the conservation easement area and all existing vegetation shall remain in its natural state, with the exception of non-native species which may be removed.

Recording Area

Name and Return Address

Terry & Nudo, LLC  
c/o Atty. Anthony Nudo  
600 52<sup>nd</sup> Street, Suite 320  
Kenosha, WI 53142

83-4-223-064-0213

83-4-223-064-0214

Parcel Identification Number (PIN)

**WHEREAS**, such conservation easement and note shown on the face of the certified survey map was a restriction for public benefit, pursuant to Wis. Stat. §§ 700.40 and 236.293, and therefore may be released or waived in writing by the Village of Somers;

**WHEREAS**, circumstances have changed substantially from the time that Certified Survey Map No. 2597 was approved, to date;

**WHEREAS**, the Village of Somers hereby intends to release the Village's interest in the conservation easement and note; and

**WHEREAS**, the Village of Somers makes no representations as to rights held by others.

**NOW, THEREFORE**, the Village Board of the Village of Somers, Kenosha County, Wisconsin, hereby releases its interest in the conservation easement and following note from Kenosha County Certified Survey Map No. 2597:

No improvements shall be permitted in the conservation easement area and all existing vegetation shall remain in its natural state, with the exception of non-native species which may be removed.





Stock No. 26273

Doc # 1538458

**CERTIFIED SURVEY MAP NO. 2597**

BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 23 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF SOMERS, COUNTY OF KENOSHA AND STATE OF WISCONSIN.

OWNER/SUBDIVIDER: SANDS J. JR. AND MARIANNE RUFFALO  
507 13TH AVENUE  
RACINE, WI 53403-9656

PREPARED BY: B.W. SURVEYING, INC.  
412 N. PINE STREET  
BURLINGTON, WI 53105  
(262)-767-0225  
JOB NO. 7543-CSM

**LEGEND**

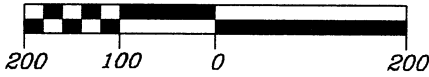
- ⊕ FOUND BRASS CAPPED CONCRETE MONUMENT
- FOUND 3/4" O.D. IRON PIPE
- ∅ FOUND 1" O.D. IRON PIPE
- ⚡ FOUND 3/4" DIA. IRON ROD
- SET 1-5/16" O.D. X 18" IRON PIPE WEIGHING NOT LESS THAN 1.13 POUNDS PER LINEAL FOOT.
- ⊙ SET 2-3/8" O.D. X 18" IRON PIPE WEIGHING NOT LESS THAN 3.65 POUNDS PER LINEAL FOOT.
- SET MASONRY NAIL IN ASPHALT DRIVE

NOTE: LOTS 1, 2, AND 3 OF THIS CERTIFIED SURVEY MAP SHALL BE SERVED BY PUBLIC SANITARY SEWER AND SHALL BE RESTRICTED FROM ANY FURTHER DIVISION.

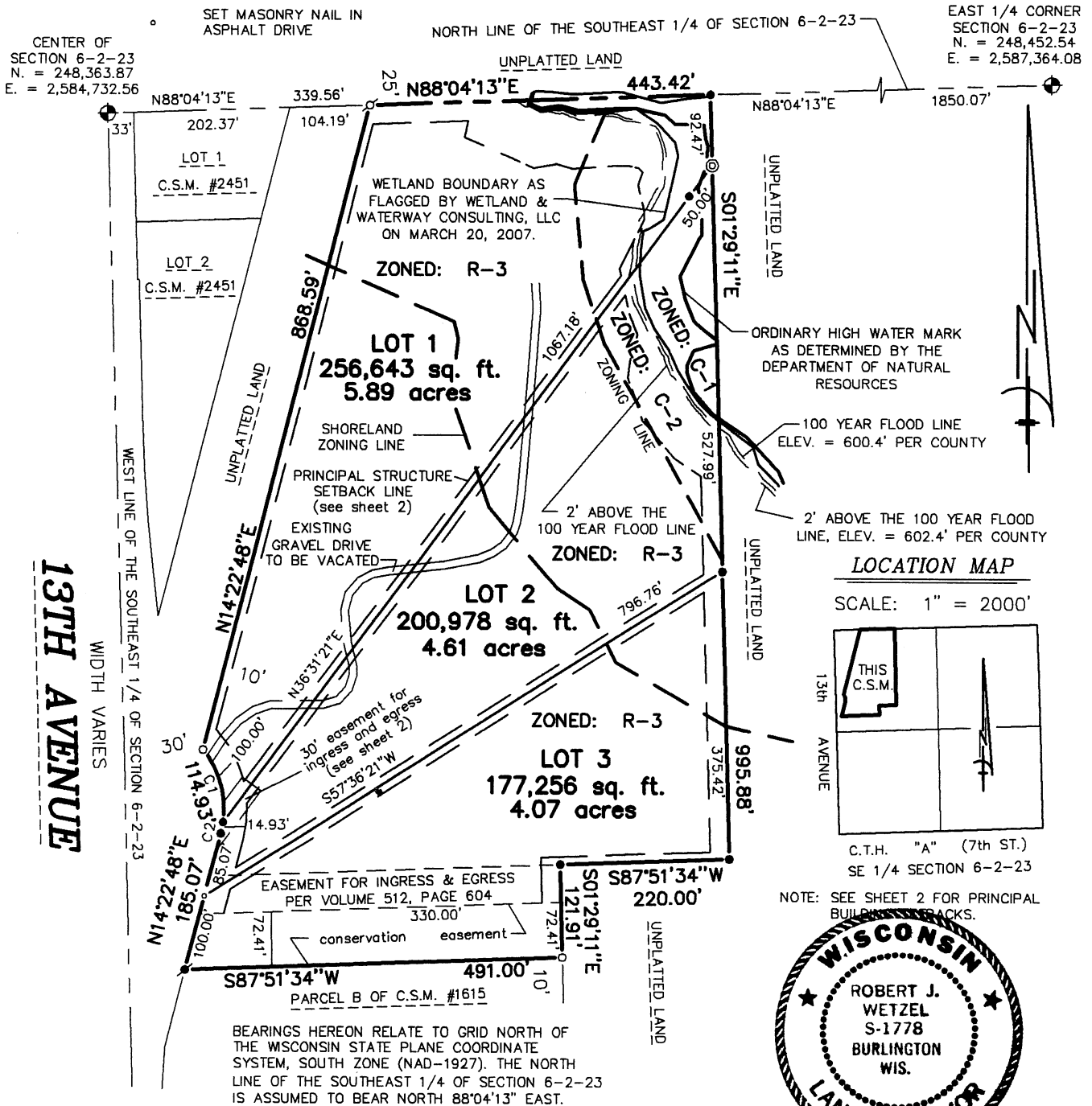
NOTE: NO IMPROVEMENTS SHALL BE PERMITTED IN THE CONSERVATION EASEMENT AREA. AND ALL EXISTING VEGETATION SHALL REMAIN IN ITS NATURAL STATE, WITH THE EXCEPTION OF NON-NATIVE SPECIES WHICH MAY BE REMOVED.

NOTE: THERE SHALL BE NO FILLING, EXCAVATION OR BUILDING WITHIN THE WETLAND AREA.

**GRAPHIC SCALE**



SCALE: 1" = 200'

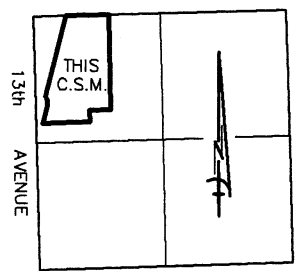


EAST 1/4 CORNER SECTION 6-2-23  
N. = 248,452.54  
E. = 2,587,364.08

CENTER OF SECTION 6-2-23  
N. = 248,363.87  
E. = 2,584,732.56

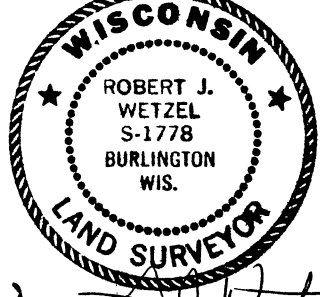
**LOCATION MAP**

SCALE: 1" = 2000'



C.T.H. "A" (7th ST.)  
SE 1/4 SECTION 6-2-23

NOTE: SEE SHEET 2 FOR PRINCIPAL BUILDING FOOTPRINTS.



*Robert J. Wetzel*  
ROBERT J. WETZEL S-1778  
APRIL 5, 2007  
REVISED: AUGUST 7, 2007  
REVISED: AUGUST 21, 2007

**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	100.00'	124.16'	46°08'51"	N15°35'47"W	97.32'
C2	14.93'	124.16'	06°53'21"	N10°55'22"E	14.92'
OVERALL	114.93'	124.16'	53°02'18"	N12°09'04"W	110.87'



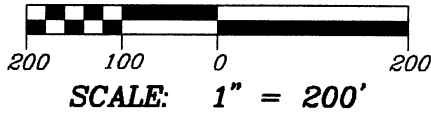
Stock No. 26273

Doc # 1538458

**CERTIFIED SURVEY MAP NO. 2597**

BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 23 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF SOMERS, COUNTY OF KENOSHA AND STATE OF WISCONSIN.

GRAPHIC SCALE

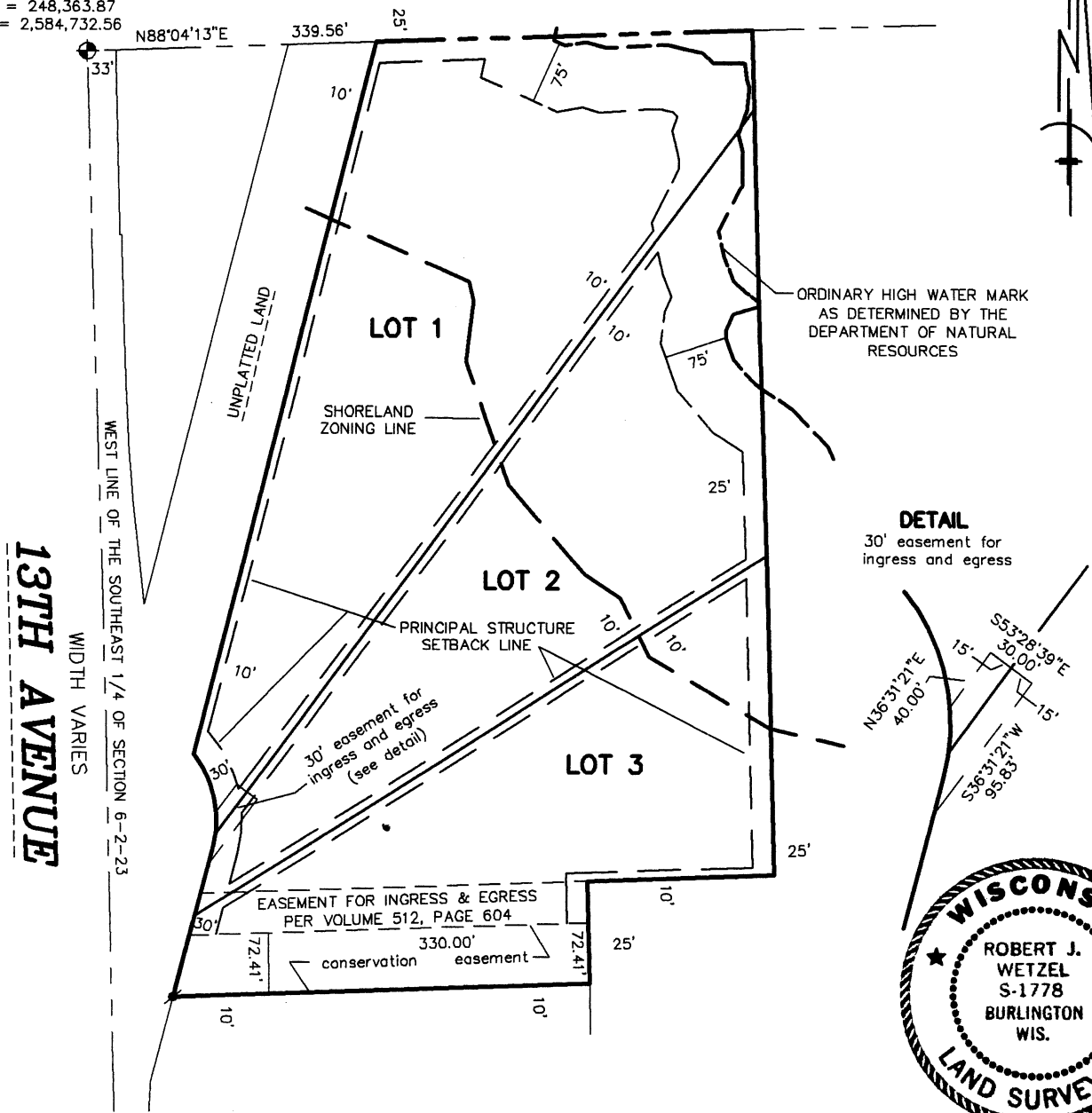


**DETAIL OF SETBACKS AND EASEMENTS**

R-3 SETBACKS

STREET = NOT LESS THAN 30 FEET  
 SIDE = NOT LESS THAN 10 FEET  
 REAR = NOT LESS THAN 25 FEET  
 SHORE = NOT LESS THAN 75 FEET  
 FROM ORDINARY HIGH WATER MARK

CENTER OF SECTION 6-2-23  
 N. = 248,363.87  
 E. = 2,584,732.56



**13TH AVENUE**  
 WIDTH VARIES



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	100.00'	124.16'	46°08'51"	N15°35'47"W	97.32'
C2	14.93'	124.16'	06°53'21"	N10°55'22"E	14.92'
OVERALL	114.93'	124.16'	53°02'18"	N12°09'04"W	110.87'

*Robert J. Wetzel*  
 ROBERT J. WETZEL S-1778  
 APRIL 5, 2007  
 REVISED: AUGUST 7, 2007  
 REVISED: AUGUST 21, 2007



Stock No. 26273

Doc # 1538458

**CERTIFIED SURVEY MAP NO. 2597.**

BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 23 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF SOMERS, COUNTY OF KENOSHA AND STATE OF WISCONSIN.


**LEGAL DESCRIPTION:**

BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 23 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF SOMERS, COUNTY OF KENOSHA AND STATE OF WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 88°04'13" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 SECTION 1850.07 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 01°29'11" EAST 995.88 FEET; THENCE SOUTH 87°51'34" WEST 220.00 FEET; THENCE SOUTH 01°29'11" EAST 121.91 FEET; THENCE SOUTH 87°51'34" WEST 491.00 FEET; THENCE NORTH 14°22'48" EAST 185.07 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY 114.93 FEET ALONG THE ARC OF SAID CURVE, BEING A CURVE TO THE LEFT, HAVING A RADIUS OF 124.16 FEET, A CENTRAL ANGLE OF 53°02'18" AND WHOSE LONG CHORD BEARS NORTH 12°09'04" WEST 110.87 FEET; THENCE NORTH 14°22'48" EAST 868.59 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST 1/4 SECTION; THENCE NORTH 88°04'13" EAST ALONG SAID NORTH LINE 443.42 FEET TO THE PLACE OF BEGINNING. CONTAINING 14.57 ACRES OF LAND MORE OR LESS.

**SURVEYOR'S CERTIFICATE:**

I, ROBERT J. WETZEL, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT AT THE DIRECTION OF SANDS J. JR. AND MARIANNE RUFFALO, I HAVE SURVEYED THE LAND DESCRIBED HEREON AND THAT THE MAP SHOWN IS A CORRECT REPRESENTATION OF ALL LOT LINES AND THAT I HAVE FULLY COMPLIED WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND WITH THE SUBDIVISION CONTROL ORDINANCE FOR THE TOWN OF SOMERS, KENOSHA COUNTY, WISCONSIN.

DATED THIS 5TH DAY OF APRIL, 2007.  
 REVISED THIS 7TH DAY OF AUGUST, 2007  
 REVISED THIS 21ST DAY OF AUGUST, 2007

  
 ROBERT J. WETZEL S-1778





Stock No. 26273

Doc # 1538458

**CERTIFIED SURVEY MAP NO. 2597.**

BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6,  
TOWNSHIP 2 NORTH, RANGE 23 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE  
TOWN OF SOMERS, COUNTY OF KENOSHA AND STATE OF WISCONSIN.

**OWNER'S CERTIFICATE:**

WE, AS OWNERS, HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS MAP  
TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED HEREON. WE ALSO CERTIFY  
THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL:  
TOWN OF SOMERS, KENOSHA COUNTY, WISCONSIN.

*Sands J. Ruffalo Jr.*  
SANDS J. RUFFALO, JR.

*Marianne Ruffalo*  
MARIANNE RUFFALO

**TOWN OF SOMERS TOWN BOARD APPROVAL:**

THIS CERTIFIED SURVEY MAP APPROVED BY THE TOWN BOARD OF THE TOWN OF  
SOMERS ON THIS 11 DAY OF September, 2007.

*James M. Smith*  
CAROL FISCHER CHAIRMAN  
JAMES M. Smith

*Timothy J. Kippen*  
CLERK

**KENOSHA COUNTY LAND USE COMMITTEE APPROVAL:**

THIS CERTIFIED SURVEY MAP WAS HEREBY APPROVED BY THE KENOSHA COUNTY  
LAND USE COMMITTEE ON THIS 12<sup>th</sup> DAY OF September, 2007.

*Fred R. Ekornaas*  
FRED EKORNAAS CHAIRMAN

DATED THIS 5TH DAY OF APRIL, 2007.  
REVISED THIS 7TH DAY OF AUGUST, 2007  
REVISED THIS 21ST DAY OF AUGUST, 2007

*Robert J. Wetzel*  
ROBERT J. WETZEL S-1778





DOCUMENT

1538458

RECORDED  
At Kenosha County, Kenosha, WI 53140  
Louise L. Principe, Register of Deeds  
on 10/31/2007 at 3:05PM  
70052896 \$19.00

REGDEED3

JENF



**SMARTnet Renewal - November/December 2022**

Quote #289665 v1

**Prepared For:**
**Somers, Village of**

 Jason Peters  
 7511 12th St

**P:** (262) 859-2822

**E:** jpeters@somers.org

**Prepared By:**
**Milwaukee Wisconsin Area Office**

 Greg Borchard  
 N28 W23050 Roundy Drive Suite 200

**P:** 262-650-6500 ext. 1222

**E:** gborchard@hbs.net

**Date Issued:**
**11.14.2022**
**Expires:**
**11.27.2022**
**Smartnet**

Product #	Description	Service SKU	Serial #	Instance #	Contract #	Service Level	EOS	Begin Date	End Date	Unit Price	Qty	Ext. Price
ISR4331-V/K9	Cisco ISR 4331 UC Bundle, PVDM4-32, UC License	CON-SSSNT-ISR4331V	FLM232511V2	5363830111	202915381	SSSNT		12/03/22	12/02/23	\$686.31	1	\$686.31
BE6M-M5-K9	Cisco Business Edition 6000M (M5) Appliance, Export Restr SW	CON-SNT-BE6MM5K9	WZP23340A57	5407983878	202915381	SNT		12/03/22	12/02/23	\$394.12	1	\$394.12
CUBE-T-STD	^CUBE - 1 Standard Trunk Session License	CON-ECMU-CUBETSTD		5414521073	202915381	ECMU		11/27/22	12/02/23	\$14.69	10	\$146.90

**Quote Summary**

Description	List Price
Smartnet	\$1,227.33

**Total: \$1,227.33**

This quote may not include applicable sales tax, shipping, handling and/or delivery charges. Final applicable sales tax, shipping, handling and/or delivery charges are calculated and applied at invoice. The above prices are for hardware/software only, and do not include delivery, setup or installation by Heartland ("HBS") unless otherwise noted. Installation by HBS is available at our regular hourly rates, or pursuant to a prepaid HBSFlex Agreement. This configuration is presented for convenience only. HBS is not responsible for typographical or other errors/omissions regarding prices or other information. Prices and configurations are subject to change without notice. HBS may modify or cancel this quote if the pricing is impacted by a tariff. A 15% restocking fee will be charged on any returned part. Customer is responsible for all costs associated with return of product and a \$25.00 processing fee. No returns are accepted by HBS without prior written approval. This quote expressly limits acceptance to the terms of this quote, and HBS disclaims any additional terms. By providing your "E-Signature," you acknowledge that your electronic signature is the legal equivalent of your manual signature, and you warrant that you have express authority to execute this agreement and legally bind your organization to this proposal and all attached documents. Any purchase that the customer makes from HBS is governed by HBS' Standard Terms and Conditions ("ST&Cs") located at <http://www.hbs.net/standard-terms-and-conditions>, which are incorporated herein by reference. The ST&Cs are subject to change. When a new order is placed, the ST&Cs on the above-stated website at that time shall apply. If customer has signed HBS' ST&Cs version 2018.v2.0 or later, or the parties have executed a current master services agreement, the signed agreement shall supersede the version on the website. Certain purchases also require customer to be bound by end user terms and conditions. A list of end user terms and conditions related to various manufacturers and vendors is set forth at <https://www.hbs.net/End-User-Agreements>. Any purchase that customer makes is also governed by the applicable end user terms and conditions, which are incorporated herein by reference. If customer has questions about whether end user terms and conditions apply to a purchase, customer shall contact HBS. Any order(s) that exceeds the credit limit assigned by HBS shall require upfront payment from customer in an amount

determined by HBS. HBS shall make this determination at the time of the order, unless customer has previously submitted the required onboarding paperwork. In such event, HBS shall make this determination at the time of quoting. QT.2022.v1.0

## E-Signature Confirmation

**Initials:** jjp

**IP Address:** 205.213.203.191

**Email Address:** jpeters@somers.org

**PO Number:** jpeters@somers.org

**Date:** 11/14/2022 9:17 AM



# SOMERS FIRE & RESCUE

CHIEF  
Benjamin Andersen

P.O. Box 197  
Somers, WI 53171  
(262-859-2277)



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## VILLAGE OF SOMERS VILLAGE BOARD

**MEETING DATE:** December 6<sup>th</sup>, 2022

**TO:** Village President Stoner, Village Trustees and Administrator Peters

**PREPARED BY:** Fire Chief Benjamin Andersen

**AGENDA ITEM:** Recommendation to review Contract/Collective Bargaining Agreement between the Village of Somers and the Somers Professional Firefighters IAFF Local 4831 and to approve at next Village board meeting. Recommendation is based on Version CBA 11.29.22 as provided by Attorney Davison. This contract would be effective 2023 through 2025.

Items of note for this revision of the Contract:

- Raises- 2% in 2023, 4% in 2024 and 3% in 2025
- Language to recognize the creation and authority of the Deputy Chief
- Language allowing Captains to operate as an acting Chief if the Chief or Deputy Chief are not available.
- Language clarification on vacation selection process for probationary firefighters

I as the Fire Chief approve of the contract as written in version CBA 11.29.22. The President of IAFF Local 4831 has also advised that the union approves of this version of the contract.



**VILLAGE OF SOMERS  
VILLAGE BOARD  
WORK SESSION ITEM MEMORANDUM**

---

**WORK SESSION:** December 6, 2022

**TO:** Village President Stoner and Village Trustees

**FROM:** Tanya Ealy, Accounting Manager/Deputy Clerk-Treasurer

**AGENDA ITEM:** #3 Review 2022 3<sup>rd</sup> Quarter Financials

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**COMMENTS:**

Below is a summary of the spreadsheets that have been provided. Each spread sheet is being provided because we have found it helps when the rating agencies review our processes.

3a Dashboard

a. This summarizes the health of the General fund:

- General fund balance projection is an unaudited projection with a balance of \$3.093 million. Our fund balance policy at 17% minimum requirement level requires to have \$908,000, 30% targeted amount of \$1.6 million and at 32% with reserves of \$1.7 million. This left us with the unaudited \$763K in excess reserves with 32% reserves by year end.
- Debt Statutory Limit is 5% of the Equalized value TID IN. Village of Somers debt limit policy is 65% of the statutory limit. In 2022 based on our balance, we have \$8.4 million in GO debt capacity.
- Lifequest Fire and Ambulance receivable unaudited balance at the end of third quarter is \$834K. Our current allowance for receivable of \$646K should be adequate to cover further losses. This will be adjusted annually at the end of the year.
- Town and Village received first half of ARPA funding in June 2021 and is in a Governmental special revenue fund called GRANT FUND. We received the second half of the payment in June 2022. Wisconsin municipalities have until December 31, 2024, to obligate these funds, and December 31, 2026, to complete projects. Municipalities may use funds to cover eligible costs incurred during the period which started on March 3, 2021 and ends on December 31, 2024; as long as the award funds for the obligations incurred by December 31, 2024, are expended by December 31, 2026.

3b 2022 General fund balance projection spread sheet:

- b. This shows the audited balance of \$3.093 million. Village is projected to have an increase of \$1.05 Million.

**The top projected variances are:**

- Non-budgeted special assessment revenue totals \$410K due to voluntary donations from Becknell \$390,798.80; Chipotle \$14,863.15; Zondag \$4,590. I will be doing a journal entry to move two missed placed voluntary donations from Flint 94 of \$375,593.93 Warehouse #1 and \$260,219.38 Warehouse #2. The entry will bring the total up for the 4<sup>th</sup> quarter.
- Increase in Intergovernmental revenue due to increase in Payment for Municipal services of \$178K out of which 90% is paid back to City of Kenosha and charged to the expense account.
- Licenses & Permits revenue, mainly due to Building permits, is projected to be \$713K more than budgeted amount. Becknell (11705 18th st) building permit \$241,468.50 and Riley Construction (8630 31st ST) building permit \$134,504.50.
- Public charge for services- Fire and inspection fee is up 34%
- Fire Department is projected to be over 17,824. This is due to overtime, paid on call, fuel, telephone, and equipment capital outlay being over budget.
- Projecting an increase in Other General Government expenses by \$35K mainly due to increase in Liability Insurance projection, cost to acquire the accounting manager and Engineering and legal fees.
- Public Works Department budget is 57% completed. Road maintenance 19% used, Seasonal, & Snow removal have not started.

3c 2022 Unaudited General fund balance variance by appropriation:

- c. This shows the projected 2022 unaudited General fund balance variance by appropriation with the overall projected variance of \$2.4 million as of September.

3d General fund with notes:

- d. General fund revenue and expenditure with notes spread sheet by department totals (unaudited) shows budgets to actuals as of September 2022 with notes highlighting some of the major reasons for the variances.

3e Investment by Bank:

- e. This shows the bank balance as of 9/30/2022 with the balance of \$4.062 million in LGIP Village account and \$15.049 million in Tricity checking account.

3f TID executive summary:

- f. This shows the current year revenue and expenses as of September 2022 as well as from date of creation to September 2022 (includes Tawani LOC reallocation amount) with an outstanding debt balance from the borrowings from respective TIDs. Please note that the outstanding debt balance does not include any future borrowings.

3g Enterprise funds report:

- g. This shows the total revenue and expenditure as of September 2022 for Water fund, KR fund, UD#1 fund and Stormwater fund.

3h All funds report:

- h. This shows the total revenue and expenditure for each fund as of September 2022.

#### ATTACHMENTS:

- 3a Dashboard – 2022 third quarter
- 3b General fund balance projection – 2022 third quarter
- 3c 2022 General fund balance budgeted variance by appropriation unaudited
- 3d General fund with notes – 2022 third quarter
- 3e Investment by bank – 2022 third quarter
- 3f TID Executive Summary – 2022 third quarter
- 3g Enterprise funds report – 2022 third quarter
- 3h All funds report – 2022 third quarter

**Please note detailed revenue and expenditure reports for all funds are available at requests.**

# DASH BOARD

## 2022 FUND BALANCE (UNAUDITED)

	<u>Required amount at different levels</u>	<u>2022 fund balance projection (unaudited)</u>	<u>Excess reserves (unaudited)</u>
17% minimum fund balance requirement	907,220	3,093,221	2,186,001
30% targeted amount of fund balance	1,600,976	3,093,221	1,492,245
32% targeted amount with 2% reserve fund balance	1,707,708	3,093,221	1,385,513

## DEBT LIMIT

<u>Year</u>	<u>Equalized value TID IN</u>	<u>5% statutory limit</u>	<u>Village of Somers Debt</u>		<u>Existing Principal outstanding</u>	<u>Excess Debt capacity</u>
			<u>policy - 65% of the statutory limit</u>			
2018	834,543,000	41,727,150	27,122,648		23,614,445	3,508,203
2019	896,046,600	44,802,330	29,121,515		21,372,392	7,749,123
2020	940,358,100	47,017,905	30,561,638		23,077,680	7,483,958

## LIFEQUEST - FIRE AND EMS BILLING

	<u>Phase 1</u>	<u>Phase 2</u>	<u>Phase 3</u>	<u>Total</u>
Receivable balance as of September 30, 2022	153,594.69	20,080.27	661,314.20	834,989.16
Allowance for receivable balance as of September 30, 2022 - This will be adjusted end of the year.				(646,315.45)
Total billed as of September 30, 2022				433,466.37
Total collected as of September 30, 2022 from 2022 billed and previous years billings				(358,464.58)
As of September 30, 2022 Refunds by Lifequest				6,667.39
As of September 30, 2022 Write offs by Lifequest				(119,987.71)

## ARPA funding:

	<u>First Half of the payment – Received on 6/25/2021</u>	<u>Second Half of the payment – Received June 2022</u>	<u>Total</u>	<u>Activity</u>	<u>Remaining</u>
Town's portion of ARPA funding	\$59,504.07	\$59,504.07	\$119,008.15	\$0.00	\$119,008.15
Village's portion of ARPA funding	\$438,090.24	\$438,090.24	\$876,180.47	374689.23	\$501,491.24
Total Town & Village ARPA funding	\$497,594.31	\$497,594.31	\$995,188.62	\$374,689.23	\$620,499.39
<b>Booked amount 2022 &amp; 2023</b>					\$547,957.01

**VILLAGE OF SOMERS**  
**Engineer's Report**  
**December 1, 2022**

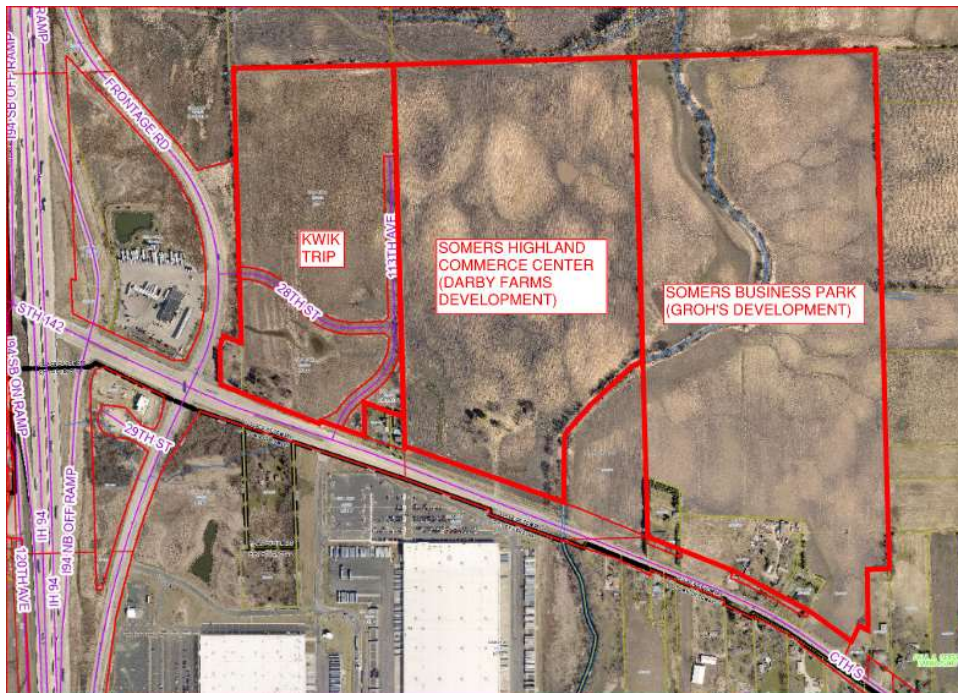
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**Water and Sewer Improvements Under Tawani Letter of Credit**

- Water main and sanitary sewer: Project Number 190375
  - PTS is the Contractor
  - A final payment application and final change order will be available for the December 13<sup>th</sup> agenda packet. The final cost for the water main was \$3,617,661.25; the final cost of the sanitary sewer is \$5,450,680.35.
- Sewage Lift Station and Water Transfer Station: Project No's 201226 and 201227
  - Both stations are operating. Substantial Completion will be the 14 days after the generator start-up provided the Village has the necessary warranties. We are expecting the final paperwork from the Contractor in the next month.
  - The current contract value is \$2,987,716.62.
- Project Budget Comparison: The Village has a letter of credit from Tawani for \$14.5M; the estimated total project cost at completion is \$14.4M.

**Kwik Trip at I-94/Darby Farms/Grohs Developments - All Fronting on CTH S**

- See the snip below. These three projects impact each other because the water and sanitary extend from the I-94 East Frontage area. Kwik Trip is near acceptance; Darby Farms is near final plan approval; and Groh is only in the concept approval phase. Darby Farms will need access, water, and sanitary service from the Kwik Trip; Groh's will need water and sanitary service from Darby Farms. Darby Farms cannot be approved until Kwik Trip is accepted; Groh's cannot be approved until Darby Farms is accepted. A more detailed description of each development follows.



**VILLAGE OF SOMERS**  
**Engineer's Report**  
**December 1, 2022**

---

**Kwik Trip at I-94 – Project No. 190376**

- This development has constructed public roadways, water main, and sanitary sewer.
- 113<sup>th</sup> Avenue (a public roadway) runs, generally north to south, along the eastern property line from CTH S to the northerly limits of the current development.
- 28<sup>th</sup> Street (a public roadway) runs, generally west to east following the southern boundary of the Kwik Trip store portion of the development, from the Easterly Frontage Road of I-94 to 113<sup>th</sup> Avenue.
- See the attached listing of items needed for the Engineer's approval recommendation.

**Somers Highland Commerce Center (Darby Farms Development) – Project No. 212046**

- This project is an industrial building on the property directly east of the Kwik Trip development. The developer is HSA Acquisitions. Developer's design and construction engineer is Pinnacle Engineering.
- Utilities will be extended from public mains constructed on the Kwik Trip site.
- All roadways within this development are proposed to be privately-owned and open to the public. There are roadway connections at CTH S and two at 113<sup>th</sup> Avenue (Kwik Trip development). Access point to CTH S is near the east property line. Access points to 113<sup>th</sup> Avenue align with the most northerly Kwik Trip driveway and 28<sup>th</sup> Street.
- Private roadways extend north from CTH S connection in two branches along the east and west sides of the development. The 113<sup>th</sup> connection points are off the westerly branch of the private roadways.
- The developer is being allowed to install the foundations for the original permitted building during the time they are obtaining approval for the floodplain modification. This project does not currently have our recommendation for approval.

**Somers Business Park (Groh's Development) – Project No. 220818**

- This is the property east of the Darby Farms (HSA) development; the Developer is Stream Industrial Development Services. The developer's engineer is Pinnacle Engineering.
- Utilities for this site need to extend through the Darby Farms development. A public roadway is proposed to extend along the east edge of the development from CTH S to northerly development limits.
- The final design is only begun; we are currently working with the developer's engineer to remove a proposed retaining wall from the planned public right-of-way. They are proposing that the Village accept this wall to save the developer money by not needing to bring fill into the site. This wall was not on the site plan approved by planning commission but was vaguely identified in the grading plans supporting the site plan. The developer is currently trying to obtain grading easements from the neighbors to the east to eliminate the need for the wall without the cost of the extra fill.

**VILLAGE OF SOMERS**  
**Engineer's Report**  
**December 1, 2022**

---

**Golden Oil Sanitary Sewer Connection - Project No. 212153**

- The developer is Golden Oil; the developer's design engineer is Excel Engineering.
- This connection will be a requirement following the Village acceptance of the Kwik Trip public improvements.
- We may ask that the Village consider holding approval of this sewer extension until Golden Oil agrees to connect to the water system at the same time. They are currently paying to haul their sewage to a municipal wastewater treatment facility and want this sewer extension to save operating cost. Making a municipal water connection will allow for accurate reporting of diversion water to the WNR, prevent the need to install a Village meter on their private well, and allow more water usage on a underused west side municipal water system.

**Savanah at Pike Creek- Project No. 201664**

- This project is an approximately 65-acre townhouse development at the northwest corner of the intersection of CTH L (18th Street) and STH 31 (Green Bay Road). It also includes two outlots for future commercial development. The development will consist of both public and private infrastructure. The developer is the Stoneleigh Company. Developer's design and construction engineer is Kimley-Horn. The 24-inch water main is installed but not planned to be operational until tested following rough grading in the Spring of 2023.

**Storm Water Utility Improvements: 56<sup>th</sup> Avenue and 12<sup>th</sup> Avenue - Project No. 220816**

- Globe Contractors, Inc. is the Contractor.
- This project includes the repair of the existing storm sewer adjacent to 56<sup>th</sup> Avenue and the storm improvements near 12<sup>th</sup> Avenue.
- Punchlist items and close-out documents remain; we expect final payment in January.

**Becknell Development - Project No. 211386**

- This project is an industrial spec building on a planned unit development with access to the East Frontage Road. The developer's design and construction engineer is Pinnacle Engineering.
- AW Oakes has installed the watermain and sanitary sewer. The water main connection from 100<sup>th</sup> Avenue to the East Frontage Road is complete and operational.

**Becknell Offsite and First Park 94 Phase 2 Water Main - Project No's. 212121/ 212502**

- The Contractor is Willkomm Excavating, Inc.
- Change Order #2 quantifying the completed work and zeroing out the contract will be submitted for approval in December with Pay Application #4.
- Punchlist items and close-out documents remain; we expect final payment in January.

**VILLAGE OF SOMERS**  
**Engineer's Report**  
**December 1, 2022**

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**Stormwater Pond Inventory and Sediment Collection – Project No. 210862**

- This project is necessary to satisfy the requirements of the Village MS4 Permit. The Village needs to inventory the regulated stormwater ponds, collect, and test sediment samples, and plan for future sediment removal from the ponds.
- We provided survey datum, a draft pond inventory report, and direction to staff on data collection.
- Staff is currently considering alternate methods of determining sediment depth, including renting an unmanned boat to map the bottom of each pond and allowing the engineer to develop a bathymetric map.

**Flint 94 Development— Project No. 211728**

- This is the planned 3-building development west of I-94 and south of 12<sup>th</sup> St; The Developer is Flint 94 Commerce Center, LLC; their engineer is Pinnacle Engineering.
- Globe has completed the open cut portion of the sanitary sewer and will begin the jack and bore portion the week of December 5, 2022. The substantial completion date is January 31, 2023.
- Brinkmann is the general contractor on the Flint 94 site; Townsend is the underground utility subcontractor. They are waiting with the public improvements until Globe has the casing pipe under I-94.

**45<sup>th</sup> Avenue and 63<sup>rd</sup> Avenue Sewage Pumping Station Replacements—Project No. 201061**

- The project includes the replacement of the suction lift sewage pumping equipment with submersible design like the 7<sup>th</sup> Street LS on Sheridan Road.
- Design is progressing.
- Construction will occur in the summer of 2023.

**Mission94 Firearms Education Center – Project No. 222238**

- Zimmerman is the Architect; Harwood is the Engineer.
- Preliminary plans have been received.
- Review comments were sent to the design team on November 30, 2022.

**Bobcat at I-94 – Project No. 222334**

- Rocco Castellano is the Architect; Pinnacle is the Engineer; Bukacek is the General Contractor.
- Conceptual plans have been received. We are waiting for engineering plans and calculations to review contingent on what improvements are allowed to be placed over the existing gas mains.

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# Items Needed for Engineer's Approval Recommendation

Kwik Trip Development at I-94 – Public Improvements

Village of Somers, WI

11-24-2022

Below is a list of requirements for acceptance of the public improvements:

1. Replace the damaged sections of curb and gutter and straighten the leaning light poles in the right-of-way.



2. Provide the roadway signs with the street names.
3. Provide the necessary no parking signs.
4. Sweep the streets and remove the filters from the storm inlets.
5. We can't locate an easement for the Golden Oil sanitary sewer connection. Provide a legal description and sketch for a separate easement; this was not on the recorded CSM (Document 1907536); the easement area should be at least as large as the vision triangle on the recorded CSM. The Village attorney will return an easement document for signature.
6. Cut the weeds on the vacant parcels and in the public right-of-way.
7. Assist HSA in relocating the WE Energies light poles that are near the access points to the HSA property; relocate any poles that are in danger of a truck collision. We expect there is one pole to be relocated at each entrance to HSA. This item can be removed from this list if a letter is provided by HSA that they will accept responsibility for it as part of their plan review.
8. Provide lien waivers from any contractor involved with the construction of the public improvements and a lien waiver from Kwik Trip.
9. Provide a breakdown of cost for the public-owned water system components itemized by pipe size, valve size, hydrants, and water service size.
10. Provide a breakdown of cost for the public-owned sanitary sewer components itemized by pipe size and manhole size.

Let us know if you need a meeting.

A handwritten signature in black ink, appearing to read "Douglas R. Snyder".

Douglas R. Snyder P.E.

<b>Village/Town of Somers</b>			
<b>General fund balance analysis for 2022 Financial year - third quarter</b>			
<b>(Unaudited)</b>			
	<b>ACCOUNT NUMBER</b>		<b>MOST LIKELY AMOUNT</b>
<b>2022 unaudited General fund unassigned balance</b>			3,093,221
<b><u>Items causing increase to the General Fund - unaudited</u></b>			
SPECIAL ASSESSMENTS - VOLUNTARY DONATION	101-42000-		969,065
Licenses & Permits - Revenue	101-44000-		715,027
Fines and Forfeitures	101-45000-		8,808
Public charge for services	101-46000-		24,552
Miscellaneous revenue	101-48000-		41,000
			1,758,452
Taxes	101-41000-		(32271)
Intergovernmental revenue	101-43000-		(345021)
Other General Government	101-51910-		(148818)
Payment for Municipal services	101-51913-		(52838)
Fire Department	101-52210-		(17824)
Public works	101-53100-		(106240)
			(703,013)
		<b>Expenditures - projected and unaudited</b>	<b>1,055,440</b>
		<b>2022 Projected General fund unassigned fund balance (unaudited)</b>	<b>4,148,661</b>
		<b>2022 General fund balance percentage - Projected and Unaudited</b>	<b>80%</b>

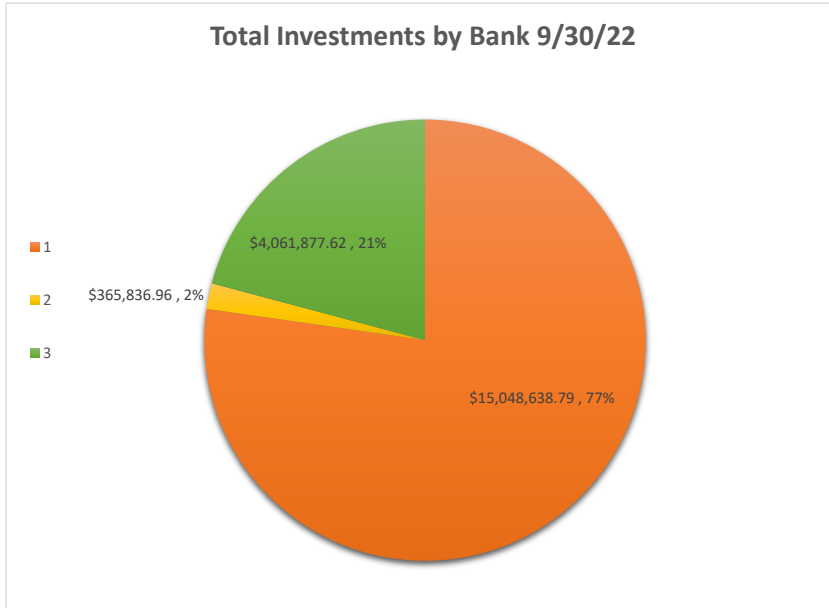
REVENUE AND EXPENDITURE REPORT FOR SOMERS VILLAGE AND TOWN  
PERIOD ENDING 09/30/2022

GL NUMBER	YTD BALANCE		2022 AMENDED BUDGET	AVAILABLE BALANCE		% BDGT USED	Notes
	NORMAL (ABNORMAL)	09/30/2021 NORMAL (ABNORMAL)		YTD BALANCE 09/30/2022 NORMAL (ABNORMAL)	09/30/2022 NORMAL (ABNORMAL)		
Fund 101 - GENERAL FUND							
<b>Revenues</b>							
41000 - TAXES	3,469,192.61	3,604,968.55	3,637,240.00	32,271.45	99.11		Property taxes are recorded at the beginning of the year, although collection of taxes is not completed until end of August.
42000 - SPECIAL ASSESSMENTS	99,836.70	410,251.95	77,000.00	(333,251.95)	532.79		Voluntary donation received from: Becknell \$390,798.80; Chipolte \$14,863.15; Zondag \$4,590. I will be doing a journal entry to move two missed placed voluntary donations from Flint 94 of \$375,593.93 Warehouse #1 and \$260,219.38 Warehouse #2
43000 - INTERGOVERNMENTAL	553,326.68	351,046.73	678,501.00	327,454.27	51.74		Payment for municipal services \$178,708.87 2/1/2022; Transportation aid \$32,415.58-Village 4/4/2022 & upcoming payment of \$36,513.66 (\$4,098.08-Town, \$32,415.58-Village) in October, are not counted. JE to follow.
44000 - LICENSES & PERMITS	192,785.69	643,806.04	312,445.00	(331,361.04)	206.05		Becknell (11705 18th st) building permit \$241,468.50 and Riley Construction (8630 31st ST) building permit \$134,504.50
45000 - FINES AND FORFEITURES	91,710.50	85,955.05	105,100.00	19,144.95	81.78		
46000 - PUBLIC CHARGES FOR SERVICES	351,986.48	454,276.83	451,300.00	(2,976.83)	100.66		
47000 - INTERGOVERNMENTAL CHARGES FOR SERVICES	0.00	0.00	0.00	0.00	0.00		
48000 - MISCELLANEOUS REVENUES	65,295.61	143,337.72	75,000.00	(68,337.72)	191.12		Interest from bank accounts was budgeted at 10,000 but now has a balance of \$82,330.82
49000 - FINANCING SOURCES	0.00	0.00	0.00	0.00	0.00		
<b>TOTAL REVENUES</b>	<b>4,824,134.27</b>	<b>5,693,642.87</b>	<b>5,336,586.00</b>	<b>(357,056.87)</b>	<b>106.69</b>		
<b>Expenditures</b>							
51110 - VILLAGE BOARD	38,999.09	38,663.42	55,072.00	16,408.58	70.21		
51120 - TOWN BOARD	19,254.77	18,381.76	25,836.00	7,454.24	71.15		
51130 - CIVIC COMMITTEE	8,850.00	5,930.00	0.00	(5,930.00)	100.00		4th of July Parade
51210 - MUNICIPAL COURT	82,265.11	62,163.54	99,551.00	37,387.46	62.44		
51410 - VILLAGE/TOWN OFFICE	220,591.16	185,870.35	286,474.00	100,603.65	64.88		
51420 - CLERK/TREASURER	96,524.10	61,939.14	91,282.00	29,342.86	67.85		
51421 - LICENSE PUBLICATION FEES	957.56	877.88	1,500.00	622.12	58.53		
51430 - ELECTIONS	10,256.11	19,923.84	30,801.00	10,877.16	64.69		
51510 - ASSESSOR	24,630.02	24,683.02	33,800.00	9,116.98	73.03		
51520 - BOARD OF REVIEW	45.00	45.00	1,156.00	1,111.00	3.89		No salaries
51610 - VILLAGE/TOWN HALL	34,354.58	42,344.12	63,448.00	21,103.88	66.74		
51910 - OTHER GENERAL GOVERNMENT	214,200.73	428,994.91	325,080.00	(103,914.91)	131.97		The deficit is due to Engineering -\$128,818.09 and Legal -\$14,145.21 being over budget.
51911 - UNION	585.00	2,285.00	2,500.00	215.00	91.40		
51912 - INTERGOVERNMENTAL AGREEMENTS	0.00	0.00	500.00	500.00	0.00		
51913 - PAYMENTS FOR MUNICIPAL SERVICES	174,988.94	160,837.98	108,000.00	(52,837.98)	148.92		2021 MSP program pyt for CY2020 services was more than anticipated. \$178,708.87 in which 90% went to the city of Kenosha
51999 - CONTINGENCY	0.00	0.00	0.00	0.00	0.00		
52100 - LAW ENFORCEMENT	347,944.00	487,225.98	654,390.00	167,164.02	74.45		
52210 - FIRE DEPARTMENT	1,324,674.72	1,337,131.10	1,887,558.00	550,426.90	70.84		
52220 - FIRE COMMISSION	0.00	0.00	1,067.00	1,067.00	0.00		
52230 - PUBLIC FIRE PROTECTION	123,128.25	136,354.75	195,700.00	59,345.25	69.68		
52300 - AMBULANCE	0.00	0.00	0.00	0.00	0.00		
52400 - BUILDING INSPECTIONS	99,641.93	100,731.07	143,722.00	42,990.93	70.09		Road maintenance 19% used, Seasonal, & Snow removal have not started
53100 - PUBLIC WORKS	384,433.24	273,883.18	483,629.00	209,745.82	56.63		
53620 - SOLID WASTE	510,640.16	554,093.38	749,569.00	195,475.62	73.92		
54100 - ANIMAL CONTROL	10,360.31	8,997.73	15,000.00	6,002.27	59.98		
55200 - PARKS	1,805.95	1,944.50	3,538.00	1,593.50	54.96		
55300 - RECREATION	5,480.21	8,683.90	21,450.00	12,766.10	40.48		
56910 - PLAN COMMISSION	31,824.56	41,019.21	55,425.00	14,405.79	74.01		
56920 - BOARD OF APPEALS	387.54	344.48	538.00	193.52	64.03		
59100 - TRANSFER OUT	0.00	0.00	0.00	0.00	0.00		
<b>TOTAL EXPENDITURES</b>	<b>3,766,823.04</b>	<b>4,003,349.24</b>	<b>5,336,586.00</b>	<b>1,333,236.76</b>	<b>75.02</b>		
Fund 101 - GENERAL FUND:							
TOTAL REVENUES	4,824,134.27	5,693,642.87	5,336,586.00	(357,056.87)	106.69		
TOTAL EXPENDITURES	3,766,823.04	4,003,349.24	5,336,586.00	1,333,236.76	75.02		
NET OF REVENUES & EXPENDITURES	1,057,311.23	1,690,293.63	0.00	(1,690,293.63)	100.00		

**VILLAGE OF SOMERS**  
**CASH AND INVESTMENT REPORT 9/30/2022**

<u>Account Type</u>	<u>Balance as of 9/30/2022</u>	<u>Interest rate</u> September	
Tricity checking account*	\$ 15,048,638.79	3.125%	*Note* Moved 5 million from LGIP to Tricity for a better return. July's total include \$543,045.23 from the Safe and Clean Water Disbursement.
LGIP - TOWN	\$ 365,836.96	2.42%	
LGIP - VILLAGE	\$ 4,061,877.62	2.42%	
	<u>\$ 19,476,353.37</u>		

\*Average interest rate for the month

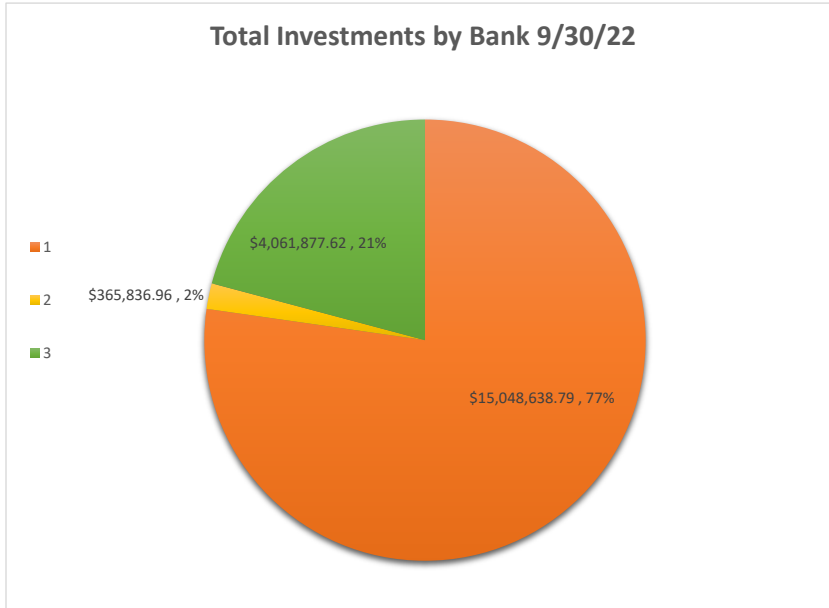


**VILLAGE OF SOMERS**  
**CASH AND INVESTMENT REPORT 9/30/2022**

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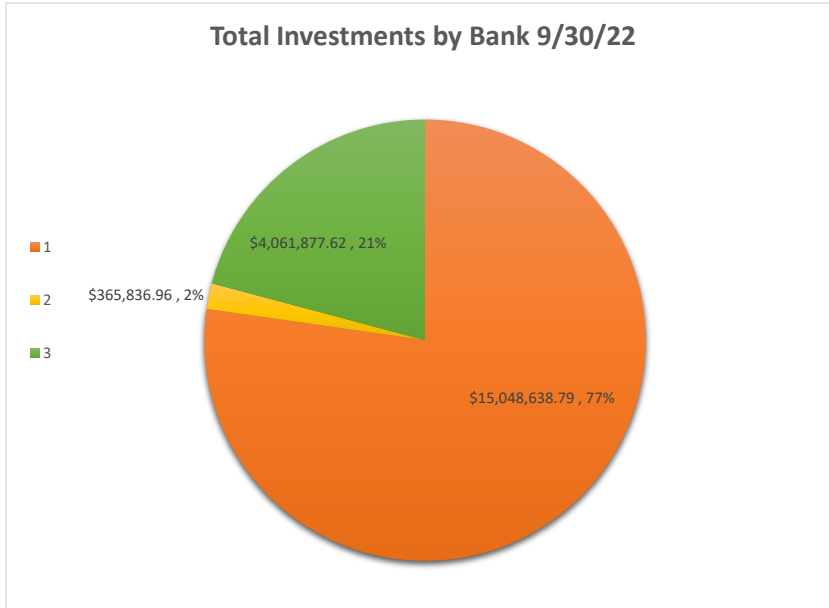


**VILLAGE OF SOMERS**  
**CASH AND INVESTMENT REPORT 9/30/2022**

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\*Note\* Moved 5 million from LGIP to Tricity for a better return. July's total include \$543,045.23 from the Safe and Clean Water Disbursement.

\*Average interest rate for the month



VILLAGE OF SOMERS  
TAX INCREMENT DISTRICT REPORTS

District No.	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Type	Industrial	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use
Creation Date	7/27/2015	9/30/2015	7/24/2018	7/24/2018	7/24/2018	7/24/2018
Dissolution Date	7/27/2035	9/30/2035	7/24/2038	7/24/2038	7/24/2038	7/24/2038
2021 Revenues and Expenses						
Revenues	\$ 4,578,805	\$ 981,256	\$ 3,322,295	\$ 103,557	\$ 41,240	\$ 5,244,540
Expenses	<u>2,933,199</u>	<u>605,161</u>	<u>3,669,337</u>	<u>86,971</u>	<u>83,185</u>	<u>6,158,768</u>
Excess or Deficiency	<u>\$ 1,645,605</u>	<u>\$ 376,095</u>	<u>\$ (347,042)</u>	<u>\$ 16,586</u>	<u>\$ (41,945)</u>	<u>\$ (914,228)</u>
Totals from Date of Creation to 12/31/21						
Revenues	\$ 18,479,703	\$ 16,555,878	\$ 558,200	\$ 265,713	\$ 69,251	\$ 11,766,260
Expenses	<u>14,961,863</u>	<u>15,095,140</u>	<u>1,074,099</u>	<u>353,238</u>	<u>126,500</u>	<u>12,824,166</u>
Excess or Deficiency	<u>\$ 3,517,840</u>	<u>\$ 1,460,738</u>	<u>\$ (515,899)</u>	<u>\$ (87,525)</u>	<u>\$ (57,249)</u>	<u>\$ (1,057,906)</u>
Outstanding Debt	\$ 8,130,000	\$ 6,965,000	\$ 405,491	\$ -	\$ -	\$ 10,940,521
Less Fund Balances						
TID Capital Projects Fund	1,002,026	(837)	(515,899)	(186,127)	(60,259)	(1,061,958)
TID Debt Service Fund	<u>2,515,814</u>	<u>1,461,575</u>	<u>-</u>	<u>98,602</u>	<u>3,010</u>	<u>4,052</u>
Net Cost to be Recovered as of 12/31/21	<u>\$ 4,612,160</u>	<u>\$ 5,504,262</u>	<u>\$ 921,390</u>	<u>\$ 87,525</u>	<u>\$ 57,249</u>	<u>\$ 11,998,427</u>
Total Cost Estimates per Project Plan	<u>\$ 12,597,000</u>	<u>\$ 9,500,000</u>	<u>\$ 26,116,510</u>	<u>\$ 8,181,092</u>	<u>\$ 14,507,087</u>	<u>\$ 16,143,080</u>
Increment Information						
2019 Revenue	\$ 1,078,611	\$ 956,504	\$ -	\$ -	\$ -	\$ -
2020 Revenue	1,077,133	989,149	-	1,409	3,010	3,313
2021 Revenue	1,011,945	942,859	-	2,301	-	735
2022 Revenue	945,869	1,547,204	23,422	688,596	447	14,404
Expected Total Value to be Added	183,858,000	57,000,000	129,100,000	61,100,000	85,900,000	64,100,000

VILLAGE OF SOMERS  
TAX INCREMENT DISTRICT REPORTS

District No.	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>
Type	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use
Creation Date	7/24/2018	7/24/2018	7/24/2018	7/24/2018	7/24/2018
Dissolution Date	7/24/2038	7/24/2038	7/24/2038	7/24/2038	7/24/2038
2021 Revenues and Expenses					
Revenues	\$ 18,136	\$ 1,849,432	\$ 2,317	\$ 3,034	\$ 73
Expenses	<u>722</u>	<u>2,026,402</u>	<u>722</u>	<u>1,021</u>	<u>722</u>
Excess or Deficiency	<u>\$ 17,414</u>	<u>\$ (176,970)</u>	<u>\$ 1,595</u>	<u>\$ 2,013</u>	<u>\$ (649)</u>
Totals from Date of Creation to 12/31/21					
Revenues	\$ 32,944	\$ 236,134	\$ 4,987	\$ 27,014	\$ 328
Expenses	<u>18,397</u>	<u>467,441</u>	<u>18,356</u>	<u>27,283</u>	<u>18,348</u>
Excess or Deficiency	<u>\$ 14,547</u>	<u>\$ (231,307)</u>	<u>\$ (13,369)</u>	<u>\$ (269)</u>	<u>\$ (18,020)</u>
Outstanding Debt	\$ -	\$ 235,446	\$ -	\$ -	\$ -
Less Fund Balances					
TID Capital Projects Fund	(18,397)	(231,996)	(18,356)	(7,282)	(18,347)
TID Debt Service Fund	<u>32,944</u>	<u>689</u>	<u>4,987</u>	<u>7,013</u>	<u>327</u>
Net Cost to be Recovered as of 12/31/21	<u>\$ (14,547)</u>	<u>\$ 466,753</u>	<u>\$ 13,369</u>	<u>\$ 269</u>	<u>\$ 18,020</u>
Total Cost Estimates per Project Plan	<u>\$ 69,528,523</u>	<u>\$ 11,123,060</u>	<u>\$ 1,227,224</u>	<u>\$ 1,854,598</u>	<u>\$ 8,299,125</u>
Increment Information					
2019 Revenue	\$ -	\$ -	\$ -	\$ -	\$ -
2020 Revenue	14,801	472	2,669	3,976	255
2021 Revenue	18,136	216	2,317	3,034	72
2022 Revenue	27,799	305	(654)	-	1,002
Expected Total Value to be Added	296,300,000	49,400,000	7,700,000	6,500,000	27,000,000

VILLAGE OF SOMERS  
TAX INCREMENT DISTRICT REPORTS

District No.	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Type	Industrial	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use
Creation Date	7/27/2015	9/30/2015	7/24/2018	7/24/2018	7/24/2018	7/24/2018
Dissolution Date	7/27/2035	9/30/2035	7/24/2038	7/24/2038	7/24/2038	7/24/2038
2021 Revenues and Expenses						
Revenues	\$ 4,578,805	\$ 981,256	\$ 3,322,295	\$ 103,557	\$ 41,240	\$ 5,244,540
Expenses	<u>2,933,199</u>	<u>605,161</u>	<u>3,669,337</u>	<u>86,971</u>	<u>83,185</u>	<u>6,158,768</u>
Excess or Deficiency	<u>\$ 1,645,605</u>	<u>\$ 376,095</u>	<u>\$ (347,042)</u>	<u>\$ 16,586</u>	<u>\$ (41,945)</u>	<u>\$ (914,228)</u>
Totals from Date of Creation to 12/31/21						
Revenues	\$ 18,479,703	\$ 16,555,878	\$ 558,200	\$ 265,713	\$ 69,251	\$ 11,766,260
Expenses	<u>14,961,863</u>	<u>15,095,140</u>	<u>1,074,099</u>	<u>353,238</u>	<u>126,500</u>	<u>12,824,166</u>
Excess or Deficiency	<u>\$ 3,517,840</u>	<u>\$ 1,460,738</u>	<u>\$ (515,899)</u>	<u>\$ (87,525)</u>	<u>\$ (57,249)</u>	<u>\$ (1,057,906)</u>
Outstanding Debt	\$ 8,130,000	\$ 6,965,000	\$ 405,491	\$ -	\$ -	\$ 10,940,521
Less Fund Balances						
TID Capital Projects Fund	1,002,026	(837)	(515,899)	(186,127)	(60,259)	(1,061,958)
TID Debt Service Fund	<u>2,515,814</u>	<u>1,461,575</u>	<u>-</u>	<u>98,602</u>	<u>3,010</u>	<u>4,052</u>
Net Cost to be Recovered as of 12/31/21	<u>\$ 4,612,160</u>	<u>\$ 5,504,262</u>	<u>\$ 921,390</u>	<u>\$ 87,525</u>	<u>\$ 57,249</u>	<u>\$ 11,998,427</u>
Total Cost Estimates per Project Plan	<u>\$ 12,597,000</u>	<u>\$ 9,500,000</u>	<u>\$ 26,116,510</u>	<u>\$ 8,181,092</u>	<u>\$ 14,507,087</u>	<u>\$ 16,143,080</u>
Increment Information						
2019 Revenue	\$ 1,078,611	\$ 956,504	\$ -	\$ -	\$ -	\$ -
2020 Revenue	1,077,133	989,149	-	1,409	3,010	3,313
2021 Revenue	1,011,945	942,859	-	2,301	-	735
2022 Revenue	945,869	1,547,204	23,422	688,596	447	14,404
Expected Total Value to be Added	183,858,000	57,000,000	129,100,000	61,100,000	85,900,000	64,100,000

VILLAGE OF SOMERS  
TAX INCREMENT DISTRICT REPORTS

District No.	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>
Type	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use
Creation Date	7/24/2018	7/24/2018	7/24/2018	7/24/2018	7/24/2018
Dissolution Date	7/24/2038	7/24/2038	7/24/2038	7/24/2038	7/24/2038
2021 Revenues and Expenses					
Revenues	\$ 18,136	\$ 1,849,432	\$ 2,317	\$ 3,034	\$ 73
Expenses	<u>722</u>	<u>2,026,402</u>	<u>722</u>	<u>1,021</u>	<u>722</u>
Excess or Deficiency	<u>\$ 17,414</u>	<u>\$ (176,970)</u>	<u>\$ 1,595</u>	<u>\$ 2,013</u>	<u>\$ (649)</u>
Totals from Date of Creation to 12/31/21					
Revenues	\$ 32,944	\$ 236,134	\$ 4,987	\$ 27,014	\$ 328
Expenses	<u>18,397</u>	<u>467,441</u>	<u>18,356</u>	<u>27,283</u>	<u>18,348</u>
Excess or Deficiency	<u>\$ 14,547</u>	<u>\$ (231,307)</u>	<u>\$ (13,369)</u>	<u>\$ (269)</u>	<u>\$ (18,020)</u>
Outstanding Debt	\$ -	\$ 235,446	\$ -	\$ -	\$ -
Less Fund Balances					
TID Capital Projects Fund	(18,397)	(231,996)	(18,356)	(7,282)	(18,347)
TID Debt Service Fund	<u>32,944</u>	<u>689</u>	<u>4,987</u>	<u>7,013</u>	<u>327</u>
Net Cost to be Recovered as of 12/31/21	<u>\$ (14,547)</u>	<u>\$ 466,753</u>	<u>\$ 13,369</u>	<u>\$ 269</u>	<u>\$ 18,020</u>
Total Cost Estimates per Project Plan	<u>\$ 69,528,523</u>	<u>\$ 11,123,060</u>	<u>\$ 1,227,224</u>	<u>\$ 1,854,598</u>	<u>\$ 8,299,125</u>
Increment Information					
2019 Revenue	\$ -	\$ -	\$ -	\$ -	\$ -
2020 Revenue	14,801	472	2,669	3,976	255
2021 Revenue	18,136	216	2,317	3,034	72
2022 Revenue	27,799	305	(654)	-	1,002
Expected Total Value to be Added	296,300,000	49,400,000	7,700,000	6,500,000	27,000,000

VILLAGE OF SOMERS  
TAX INCREMENT DISTRICT REPORTS

District No.	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Type	Industrial	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use
Creation Date	7/27/2015	9/30/2015	7/24/2018	7/24/2018	7/24/2018	7/24/2018
Dissolution Date	7/27/2035	9/30/2035	7/24/2038	7/24/2038	7/24/2038	7/24/2038
2021 Revenues and Expenses						
Revenues	\$ 4,578,805	\$ 981,256	\$ 3,322,295	\$ 103,557	\$ 41,240	\$ 5,244,540
Expenses	<u>2,933,199</u>	<u>605,161</u>	<u>3,669,337</u>	<u>86,971</u>	<u>83,185</u>	<u>6,158,768</u>
Excess or Deficiency	<u>\$ 1,645,605</u>	<u>\$ 376,095</u>	<u>\$ (347,042)</u>	<u>\$ 16,586</u>	<u>\$ (41,945)</u>	<u>\$ (914,228)</u>
Totals from Date of Creation to 12/31/21						
Revenues	\$ 18,479,703	\$ 16,555,878	\$ 558,200	\$ 265,713	\$ 69,251	\$ 11,766,260
Expenses	<u>14,961,863</u>	<u>15,095,140</u>	<u>1,074,099</u>	<u>353,238</u>	<u>126,500</u>	<u>12,824,166</u>
Excess or Deficiency	<u>\$ 3,517,840</u>	<u>\$ 1,460,738</u>	<u>\$ (515,899)</u>	<u>\$ (87,525)</u>	<u>\$ (57,249)</u>	<u>\$ (1,057,906)</u>
Outstanding Debt	\$ 8,130,000	\$ 6,965,000	\$ 405,491	\$ -	\$ -	\$ 10,940,521
Less Fund Balances						
TID Capital Projects Fund	1,002,026	(837)	(515,899)	(186,127)	(60,259)	(1,061,958)
TID Debt Service Fund	<u>2,515,814</u>	<u>1,461,575</u>	<u>-</u>	<u>98,602</u>	<u>3,010</u>	<u>4,052</u>
Net Cost to be Recovered as of 12/31/21	<u>\$ 4,612,160</u>	<u>\$ 5,504,262</u>	<u>\$ 921,390</u>	<u>\$ 87,525</u>	<u>\$ 57,249</u>	<u>\$ 11,998,427</u>
Total Cost Estimates per Project Plan	<u>\$ 12,597,000</u>	<u>\$ 9,500,000</u>	<u>\$ 26,116,510</u>	<u>\$ 8,181,092</u>	<u>\$ 14,507,087</u>	<u>\$ 16,143,080</u>
Increment Information						
2019 Revenue	\$ 1,078,611	\$ 956,504	\$ -	\$ -	\$ -	\$ -
2020 Revenue	1,077,133	989,149	-	1,409	3,010	3,313
2021 Revenue	1,011,945	942,859	-	2,301	-	735
2022 Revenue	945,869	1,547,204	23,422	688,596	447	14,404
Expected Total Value to be Added	183,858,000	57,000,000	129,100,000	61,100,000	85,900,000	64,100,000

VILLAGE OF SOMERS  
TAX INCREMENT DISTRICT REPORTS

District No.	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>
Type	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use
Creation Date	7/24/2018	7/24/2018	7/24/2018	7/24/2018	7/24/2018
Dissolution Date	7/24/2038	7/24/2038	7/24/2038	7/24/2038	7/24/2038
2021 Revenues and Expenses					
Revenues	\$ 18,136	\$ 1,849,432	\$ 2,317	\$ 3,034	\$ 73
Expenses	<u>722</u>	<u>2,026,402</u>	<u>722</u>	<u>1,021</u>	<u>722</u>
Excess or Deficiency	<u>\$ 17,414</u>	<u>\$ (176,970)</u>	<u>\$ 1,595</u>	<u>\$ 2,013</u>	<u>\$ (649)</u>
Totals from Date of Creation to 12/31/21					
Revenues	\$ 32,944	\$ 236,134	\$ 4,987	\$ 27,014	\$ 328
Expenses	<u>18,397</u>	<u>467,441</u>	<u>18,356</u>	<u>27,283</u>	<u>18,348</u>
Excess or Deficiency	<u>\$ 14,547</u>	<u>\$ (231,307)</u>	<u>\$ (13,369)</u>	<u>\$ (269)</u>	<u>\$ (18,020)</u>
Outstanding Debt	\$ -	\$ 235,446	\$ -	\$ -	\$ -
Less Fund Balances					
TID Capital Projects Fund	(18,397)	(231,996)	(18,356)	(7,282)	(18,347)
TID Debt Service Fund	<u>32,944</u>	<u>689</u>	<u>4,987</u>	<u>7,013</u>	<u>327</u>
Net Cost to be Recovered as of 12/31/21	<u>\$ (14,547)</u>	<u>\$ 466,753</u>	<u>\$ 13,369</u>	<u>\$ 269</u>	<u>\$ 18,020</u>
Total Cost Estimates per Project Plan	<u>\$ 69,528,523</u>	<u>\$ 11,123,060</u>	<u>\$ 1,227,224</u>	<u>\$ 1,854,598</u>	<u>\$ 8,299,125</u>
Increment Information					
2019 Revenue	\$ -	\$ -	\$ -	\$ -	\$ -
2020 Revenue	14,801	472	2,669	3,976	255
2021 Revenue	18,136	216	2,317	3,034	72
2022 Revenue	27,799	305	(654)	-	1,002
Expected Total Value to be Added	296,300,000	49,400,000	7,700,000	6,500,000	27,000,000

10/25/2022

REVENUE AND EXPENDITURE REPORT FOR SOMERS VILLAGE AND TOWN  
 PERIOD ENDING 09/30/2022

GL NUMBER	DESCRIPTION	2022		ACTIVITY FOR MONTH 09/30/22 INCR (DECR)	YTD BALANCE 09/30/2022 NORM (ABNORM)	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT USED
		ORIGINAL BUDGET	2022 AMENDED BUDGET					
Fund 601 - SOMERS WATER UTILITY								
Fund 601 - SOMERS WATER UTILITY:								
	TOTAL REVENUES	1,224,160.00	1,224,160.00	566,744.50	1,330,050.40	0.00	(105,890.40)	108.65
	TOTAL EXPENDITURES	1,657,363.00	1,657,363.00	96,230.95	1,110,604.85	0.00	546,758.15	67.01
	NET OF REVENUES & EXPENDITURES	(433,203.00)	(433,203.00)	470,513.55	219,445.55	0.00	(652,648.55)	50.66
Fund 602 - K.R. SEWER DISTRICT								
Fund 602 - K.R. SEWER DISTRICT:								
	TOTAL REVENUES	204,296.00	204,296.00	52,923.86	161,746.58	0.00	42,549.42	79.17
	TOTAL EXPENDITURES	191,374.00	191,374.00	8,344.85	129,262.57	0.00	62,111.43	67.54
	NET OF REVENUES & EXPENDITURES	12,922.00	12,922.00	44,579.01	32,484.01	0.00	(19,562.01)	251.39
Fund 603 - UTILITY DISTRICT #1								
Fund 603 - UTILITY DISTRICT #1:								
	TOTAL REVENUES	2,512,557.00	2,512,557.00	626,945.95	2,357,128.96	0.00	155,428.04	93.81
	TOTAL EXPENDITURES	4,080,293.00	4,080,293.00	123,501.83	1,308,352.44	0.00	2,771,940.56	32.07
	NET OF REVENUES & EXPENDITURES	(1,567,736.00)	(1,567,736.00)	503,444.12	1,048,776.52	0.00	(2,616,512.52)	66.90
Fund 604 - STORMWATER UTILITY								
Fund 604 - STORMWATER UTILITY:								
	TOTAL REVENUES	282,000.00	282,000.00	0.00	287,765.80	0.00	(5,765.80)	102.04
	TOTAL EXPENDITURES	444,788.00	444,788.00	1,430.64	27,845.52	0.00	416,942.48	6.26
	NET OF REVENUES & EXPENDITURES	(162,788.00)	(162,788.00)	(1,430.64)	259,920.28	0.00	(422,708.28)	159.67
	TOTAL REVENUES - ALL FUNDS	4,223,013.00	4,223,013.00	1,246,614.31	4,136,691.74	0.00	86,321.26	97.96
	TOTAL EXPENDITURES - ALL FUNDS	6,373,818.00	6,373,818.00	229,508.27	2,576,065.38	0.00	3,797,752.62	40.42
	NET OF REVENUES & EXPENDITURES	(2,150,805.00)	(2,150,805.00)	1,017,106.04	1,560,626.36	0.00	(3,711,431.36)	72.56

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PERIOD ENDING 09/30/2022

GL NUMBER	DESCRIPTION	2022		ACTIVITY FOR MONTH 09/30/22 INCR (DECR)	YTD BALANCE 09/30/2022		ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BGD USED
		ORIGINAL BUDGET	AMENDED BUDGET		2022	NORM (ABNORM)			
Fund 101 - GENERAL FUND									
Fund 101 - GENERAL FUND:									
	TOTAL REVENUES	5,336,586.00	5,336,586.00	76,378.18	5,693,642.87		0.00	(357,056.87)	106.69
	TOTAL EXPENDITURES	5,336,586.00	5,336,586.00	634,553.40	4,003,349.24		0.00	1,333,236.76	75.02
	NET OF REVENUES & EXPENDITURES	0.00	0.00	(558,175.22)	1,690,293.63		0.00	(1,690,293.63)	100.00
Fund 201 - DRAINAGE FUND									
Fund 201 - DRAINAGE FUND:									
	TOTAL REVENUES	0.00	0.00	92.36	322.87		0.00	(322.87)	100.00
	TOTAL EXPENDITURES	4,675.00	4,675.00	0.00	0.00		0.00	4,675.00	0.00
	NET OF REVENUES & EXPENDITURES	(4,675.00)	(4,675.00)	92.36	322.87		0.00	(4,997.87)	6.91
Fund 202 - PARK FUND									
Fund 202 - PARK FUND:									
	TOTAL REVENUES	0.00	0.00	117.90	412.17		0.00	(412.17)	100.00
	TOTAL EXPENDITURES	0.00	0.00	0.00	2,137.00		0.00	(2,137.00)	100.00
	NET OF REVENUES & EXPENDITURES	0.00	0.00	117.90	(1,724.83)		0.00	1,724.83	100.00
Fund 204 - GRANT FUND									
Fund 204 - GRANT FUND:									
	TOTAL REVENUES	0.00	0.00	0.00	497,594.31		0.00	(497,594.31)	100.00
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00		0.00	0.00	0.00
	NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	497,594.31		0.00	(497,594.31)	100.00
Fund 301 - DEBT SERVICE FUND									
Fund 301 - DEBT SERVICE FUND:									
	TOTAL REVENUES	1,152,873.00	1,152,873.00	0.00	1,152,873.00		0.00	0.00	100.00
	TOTAL EXPENDITURES	1,152,873.00	1,152,873.00	0.00	1,113,361.15		0.00	39,511.85	96.57
	NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	39,511.85		0.00	(39,511.85)	100.00
Fund 302 - TID#1 DEBT SERVICE FUND									
Fund 302 - TID#1 DEBT SERVICE FUND:									
	TOTAL REVENUES	1,020,017.00	1,020,017.00	10,728.59	975,599.84		0.00	44,417.16	95.65
	TOTAL EXPENDITURES	650,625.00	650,625.00	0.00	587,092.64		0.00	63,532.36	90.24
	NET OF REVENUES & EXPENDITURES	369,392.00	369,392.00	10,728.59	388,507.20		0.00	(19,115.20)	105.17
Fund 303 - TID#2 DEBT SERVICE FUND									
Fund 303 - TID#2 DEBT SERVICE FUND:									
	TOTAL REVENUES	1,668,492.00	1,668,492.00	8,147.19	1,568,501.62		0.00	99,990.38	94.01
	TOTAL EXPENDITURES	598,724.00	598,724.00	14,873.72	690,273.18		0.00	(91,549.18)	115.29
	NET OF REVENUES & EXPENDITURES	1,069,768.00	1,069,768.00	(6,726.53)	878,228.44		0.00	191,539.56	82.10
Fund 304 - TID#3 DEBT SERVICE FUND									
Fund 304 - TID#3 DEBT SERVICE FUND:									
	TOTAL REVENUES	25,258.00	25,258.00	0.00	23,421.89		0.00	1,836.11	92.73
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00		0.00	0.00	0.00
	NET OF REVENUES & EXPENDITURES	25,258.00	25,258.00	0.00	23,421.89		0.00	1,836.11	92.73
Fund 305 - TID#4 DEBT SERVICE FUND									
Fund 305 - TID#4 DEBT SERVICE FUND:									
	TOTAL REVENUES	742,576.00	742,576.00	0.00	688,595.61		0.00	53,980.39	92.73
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00		0.00	0.00	0.00
	NET OF REVENUES & EXPENDITURES	742,576.00	742,576.00	0.00	688,595.61		0.00	53,980.39	92.73

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PERIOD ENDING 09/30/2022

GL NUMBER	DESCRIPTION	2022		ACTIVITY FOR MONTH 09/30/22 INCR (DECR)	YTD BALANCE		ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET		2022	09/30/2022			
Fund 306 - TID#5 DEBT SERVICE FUND									
Fund 306 - TID#5 DEBT SERVICE FUND:									
	TOTAL REVENUES	482.00	482.00	0.00	447.13	0.00	34.87	92.77	
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NET OF REVENUES & EXPENDITURES	482.00	482.00	0.00	447.13	0.00	34.87	92.77	
Fund 307 - TID#6 DEBT SERVICE FUND									
Fund 307 - TID#6 DEBT SERVICE FUND:									
	TOTAL REVENUES	15,533.00	15,533.00	0.00	14,403.62	0.00	1,129.38	92.73	
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NET OF REVENUES & EXPENDITURES	15,533.00	15,533.00	0.00	14,403.62	0.00	1,129.38	92.73	
Fund 308 - TID#7 DEBT SERVICE FUND									
Fund 308 - TID#7 DEBT SERVICE FUND:									
	TOTAL REVENUES	29,979.00	29,979.00	0.00	27,799.41	0.00	2,179.59	92.73	
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NET OF REVENUES & EXPENDITURES	29,979.00	29,979.00	0.00	27,799.41	0.00	2,179.59	92.73	
Fund 309 - TID#8 DEBT SERVICE FUND									
Fund 309 - TID#8 DEBT SERVICE FUND:									
	TOTAL REVENUES	329.00	329.00	0.00	304.70	0.00	24.30	92.61	
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NET OF REVENUES & EXPENDITURES	329.00	329.00	0.00	304.70	0.00	24.30	92.61	
Fund 310 - TID#9 DEBT SERVICE FUND									
Fund 310 - TID#9 DEBT SERVICE FUND:									
	TOTAL REVENUES	0.00	0.00	0.00	(654.46)	0.00	654.46	100.00	
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	(654.46)	0.00	654.46	100.00	
Fund 311 - TID#10 DEBT SERVICE FUND									
Fund 311 - TID#10 DEBT SERVICE FUND:									
	TOTAL REVENUES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Fund 312 - TID#11 DEBT SERVICE FUND									
Fund 312 - TID#11 DEBT SERVICE FUND:									
	TOTAL REVENUES	1,081.00	1,081.00	0.00	1,002.43	0.00	78.57	92.73	
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	NET OF REVENUES & EXPENDITURES	1,081.00	1,081.00	0.00	1,002.43	0.00	78.57	92.73	
Fund 401 - CAPITAL IMPROVEMENT									
Fund 401 - CAPITAL IMPROVEMENT:									
	TOTAL REVENUES	391,115.00	391,115.00	0.00	0.00	0.00	391,115.00	0.00	
	TOTAL EXPENDITURES	1,840,000.00	1,840,000.00	476,392.11	1,471,073.24	0.00	368,926.76	79.95	
	NET OF REVENUES & EXPENDITURES	(1,448,885.00)	(1,448,885.00)	(476,392.11)	(1,471,073.24)	0.00	22,188.24	101.53	
Fund 402 - TAX INCREMENTAL DISTRICT #1									
Fund 402 - TAX INCREMENTAL DISTRICT #1:									
	TOTAL REVENUES	1,400,000.00	1,400,000.00	3,239.72	838,203.59	0.00	561,796.41	59.87	
	TOTAL EXPENDITURES	1,422,835.00	1,422,835.00	2,100.23	1,031,026.52	0.00	391,808.48	72.46	
	NET OF REVENUES & EXPENDITURES	(22,835.00)	(22,835.00)	1,139.49	(192,822.93)	0.00	169,987.93	844.42	

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PERIOD ENDING 09/30/2022

GL NUMBER	DESCRIPTION	2022		ACTIVITY FOR MONTH 09/30/22 INCR (DECR)	YTD BALANCE 09/30/2022		ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET		2022	NORM (ABNORM)			
Fund 403 - TAX INCREMENTAL DISTRICT #2									
Fund 403 - TAX INCREMENTAL DISTRICT #2:									
	TOTAL REVENUES	0.00	0.00	14,821.85	25,342.76	0.00	(25,342.76)	100.00	
	TOTAL EXPENDITURES	22,835.00	22,835.00	3,209.61	28,594.90	0.00	(5,759.90)	125.22	
	NET OF REVENUES & EXPENDITURES	(22,835.00)	(22,835.00)	11,612.24	(3,252.14)	0.00	(19,582.86)	14.24	
Fund 404 - TAX INCREMENTAL DISTRICT #3									
Fund 404 - TAX INCREMENTAL DISTRICT #3:									
	TOTAL REVENUES	0.00	0.00	0.00	610,835.56	0.00	(610,835.56)	100.00	
	TOTAL EXPENDITURES	30,447.00	30,447.00	20,203.51	338,720.36	0.00	(308,273.36)	1,112.49	
	NET OF REVENUES & EXPENDITURES	(30,447.00)	(30,447.00)	(20,203.51)	272,115.20	0.00	(302,562.20)	893.73	
Fund 405 - TAX INCREMENTAL DISTRICT #4									
Fund 405 - TAX INCREMENTAL DISTRICT #4:									
	TOTAL REVENUES	0.00	0.00	0.00	7,893.00	0.00	(7,893.00)	100.00	
	TOTAL EXPENDITURES	15,224.00	15,224.00	1,454.48	87,246.98	0.00	(72,022.98)	573.09	
	NET OF REVENUES & EXPENDITURES	(15,224.00)	(15,224.00)	(1,454.48)	(79,353.98)	0.00	64,129.98	521.24	
Fund 406 - TAX INCREMENTAL DISTRICT #5									
Fund 406 - TAX INCREMENTAL DISTRICT #5:									
	TOTAL REVENUES	0.00	0.00	0.00	16,275.12	0.00	(16,275.12)	100.00	
	TOTAL EXPENDITURES	30,447.00	30,447.00	11,586.10	45,835.49	0.00	(15,388.49)	150.54	
	NET OF REVENUES & EXPENDITURES	(30,447.00)	(30,447.00)	(11,586.10)	(29,560.37)	0.00	(886.63)	97.09	
Fund 407 - TAX INCREMENTAL DISTRICT #6									
Fund 407 - TAX INCREMENTAL DISTRICT #6:									
	TOTAL REVENUES	0.00	0.00	0.00	2,245,678.51	0.00	(2,245,678.51)	100.00	
	TOTAL EXPENDITURES	30,447.00	30,447.00	4,272.21	2,311,033.25	0.00	(2,280,586.25)	7,590.35	
	NET OF REVENUES & EXPENDITURES	(30,447.00)	(30,447.00)	(4,272.21)	(65,354.74)	0.00	34,907.74	214.65	
Fund 408 - TAX INCREMENTAL DISTRICT #7									
Fund 408 - TAX INCREMENTAL DISTRICT #7:									
	TOTAL REVENUES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	TOTAL EXPENDITURES	571.00	571.00	47.67	636.36	0.00	(65.36)	111.45	
	NET OF REVENUES & EXPENDITURES	(571.00)	(571.00)	(47.67)	(636.36)	0.00	65.36	111.45	
Fund 409 - TAX INCREMENTAL DISTRICT #8									
Fund 409 - TAX INCREMENTAL DISTRICT #8:									
	TOTAL REVENUES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	TOTAL EXPENDITURES	571.00	571.00	47.67	580.67	0.00	(9.67)	101.69	
	NET OF REVENUES & EXPENDITURES	(571.00)	(571.00)	(47.67)	(580.67)	0.00	9.67	101.69	
Fund 410 - TAX INCREMENTAL DISTRICT #9									
Fund 410 - TAX INCREMENTAL DISTRICT #9:									
	TOTAL REVENUES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	TOTAL EXPENDITURES	571.00	571.00	47.67	589.68	0.00	(18.68)	103.27	
	NET OF REVENUES & EXPENDITURES	(571.00)	(571.00)	(47.67)	(589.68)	0.00	18.68	103.27	
Fund 411 - TAX INCREMENTAL DISTRICT #10									
Fund 411 - TAX INCREMENTAL DISTRICT #10:									
	TOTAL REVENUES	0.00	0.00	(11.97)	(31.58)	0.00	31.58	100.00	
	TOTAL EXPENDITURES	571.00	571.00	47.67	594.59	0.00	(23.59)	104.13	
	NET OF REVENUES & EXPENDITURES	(571.00)	(571.00)	(59.64)	(626.17)	0.00	55.17	109.66	

User: TEaly

DB: Somers

PERIOD ENDING 09/30/2022

GL NUMBER	DESCRIPTION	2022		ACTIVITY FOR MONTH 09/30/22 INCR (DECR)	YTD BALANCE 09/30/2022		ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET		2022	NORM (ABNORM)			
Fund 412 - TAX INCREMENTAL DISTRICT #11									
Fund 412 - TAX INCREMENTAL DISTRICT #11:									
	TOTAL REVENUES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	TOTAL EXPENDITURES	571.00	571.00	47.67	580.35	0.00	0.00	(9.35)	101.64
	NET OF REVENUES & EXPENDITURES	(571.00)	(571.00)	(47.67)	(580.35)	0.00	0.00	9.35	101.64
Fund 601 - SOMERS WATER UTILITY									
Fund 601 - SOMERS WATER UTILITY:									
	TOTAL REVENUES	1,224,160.00	1,224,160.00	566,744.50	1,330,050.40	0.00	0.00	(105,890.40)	108.65
	TOTAL EXPENDITURES	1,657,363.00	1,657,363.00	96,230.95	1,110,604.85	0.00	0.00	546,758.15	67.01
	NET OF REVENUES & EXPENDITURES	(433,203.00)	(433,203.00)	470,513.55	219,445.55	0.00	0.00	(652,648.55)	50.66
Fund 602 - K.R. SEWER DISTRICT									
Fund 602 - K.R. SEWER DISTRICT:									
	TOTAL REVENUES	204,296.00	204,296.00	52,923.86	161,746.58	0.00	0.00	42,549.42	79.17
	TOTAL EXPENDITURES	191,374.00	191,374.00	8,344.85	129,262.57	0.00	0.00	62,111.43	67.54
	NET OF REVENUES & EXPENDITURES	12,922.00	12,922.00	44,579.01	32,484.01	0.00	0.00	(19,562.01)	251.39
Fund 603 - UTILITY DISTRICT #1									
Fund 603 - UTILITY DISTRICT #1:									
	TOTAL REVENUES	2,512,557.00	2,512,557.00	626,945.95	2,357,128.96	0.00	0.00	155,428.04	93.81
	TOTAL EXPENDITURES	4,080,293.00	4,080,293.00	123,501.83	1,308,352.44	0.00	0.00	2,771,940.56	32.07
	NET OF REVENUES & EXPENDITURES	(1,567,736.00)	(1,567,736.00)	503,444.12	1,048,776.52	0.00	0.00	(2,616,512.52)	66.90
Fund 604 - STORMWATER UTILITY									
Fund 604 - STORMWATER UTILITY:									
	TOTAL REVENUES	282,000.00	282,000.00	0.00	287,765.80	0.00	0.00	(5,765.80)	102.04
	TOTAL EXPENDITURES	444,788.00	444,788.00	1,430.64	27,845.52	0.00	0.00	416,942.48	6.26
	NET OF REVENUES & EXPENDITURES	(162,788.00)	(162,788.00)	(1,430.64)	259,920.28	0.00	0.00	(422,708.28)	159.67
	TOTAL REVENUES - ALL FUNDS	16,007,334.00	16,007,334.00	1,360,128.13	18,525,155.71	0.00	0.00	(2,517,821.71)	115.73
	TOTAL EXPENDITURES - ALL FUNDS	17,512,391.00	17,512,391.00	1,398,391.99	14,288,790.98	0.00	0.00	3,223,600.02	81.59
	NET OF REVENUES & EXPENDITURES	(1,505,057.00)	(1,505,057.00)	(38,263.86)	4,236,364.73	0.00	0.00	(5,741,421.73)	281.48



**VILLAGE OF SOMERS  
VILLAGE BOARD  
WORK SESSION ITEM MEMORANDUM**

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**WORK SESSION:** December 06, 2022

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Brandi Baker, Clerk-Treasurer

**AGENDA ITEM:** #10 Discussion on revised Special Event and Cabaret Ordinances

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**BACKGROUND:**

Staff has been reviewing the Ordinances we currently have pertaining to Cabaret and Special events permitting. We have been working with attorney Davison to better define requirements and guidelines for these permits.

Currently the Village offers an annual Cabaret license that businesses which hold a Class B liquor license can apply for which could include indoor or outdoor amplified music. We also currently offer a Special Events permit for a onetime event occurring over a 24-hour period.

Staff is proposing a change to both permits.

The major changes with the annual Cabaret license would exclude any outdoor amplified music, and that the requirements to obtain this license would have the applicant include much more detail.

Special events permit will be split into two types, single events, and a recurring permit. The recurring permits will be annual, and the business must submit a list of each event but will be allowed to add events 30 days prior with notice to the Clerk so they may be reviewed. The recurring permit will only be available to events that are located in the PR-1, A-2 or I-1 zoning districts.

**COMMENTS:**

Staff seeks direction from the Board on defining some of the guidelines and requirements. Currently the quota for the Special Events permits limit each applicant only one special event permit per quarter will be issued to any establishment unless authorized by the Village Board. Two special event permits shall be allowed during the

month of December due to the number of holidays. Staff feels the quota should be increased with the exclusion of outdoor amplified music in the revised Cabaret Licenses.

Staff also requests direction with the costs of each permit. Cabaret Licenses are set at \$150 annually, single special event permits are set at \$75 each event. Staff recommends that the recurring special event permit coincide with the annual Cabaret license, \$150.

Staff recommends that this is not placed on the agenda for action at the December 13, 2022, Board meeting. Staff requests that after the Boards recommendations, revisions be brought back to a work session in January 2023.

**ATTACHMENTS:**

Ordinance 2022-020  
Ordinance 2022-021

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.15  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
RELATING TO CABARET LICENSES

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 12.15 of the Code of Ordinances of the Village of Somers to read as follows:

**12.15 CABARET LICENSES.**

(A) **License Required.** No holder of a "Class B" or a Class "B" liquor or beer license within the Village shall afford to the Licensee's patrons unless the Licensee first shall have obtained a Cabaret License from the Clerk/Treasurer:

- (1) The music of one (1) or more musicians.
- (2) Specifically feature or advertise dancing in the Licensee's premises using mechanical devices to produce music.
- (3) Furnish entertainment by, or performance of, any act, stunt, or dance by performers under the Licensee's auspices, whether such performers or dancers are paid or not.
- (4) This section shall not apply to holders of a Special Event Permit issued under §12.155 of the Ordinances.
- (5) A probationary or regular cabaret license, as defined in §12.15(B) and §12.15(C) of these ordinances, and upon approval of the Village Board for the issuance thereof, shall be issued such license for one (1) or more of the following specific uses, subject to compliance with further conditions set forth by the Village Board:
  - (a) A disc jockey utilizing mechanical devices to reproduce music.
  - (b) Up to two (2) musicians, not electronically amplified.
  - (c) Two (2) or more musicians electronically amplified.
  - (d) Non-musical entertainers, including, but not limited to dancers, actors, comedians, models or modeling, and magicians.

(e) Any other live entertainment excepting live entertainment regulated under the Village Zoning Ordinances.

(B) **Probationary Cabaret License.**

(1) The application for a Cabaret License shall be on Village forms and shall be filed with the Clerk/Treasurer and directed to the Village Board, and shall be accompanied by the application fee.

(2) The application shall contain the name of the applicant and the location of the place to be licensed.

(3) All such applications shall be accompanied by a non-refundable fee of Two Hundred Fifty (\$250.00) Dollars.

(4) Whenever such application is received by the Clerk/Treasurer, the Clerk/Treasurer shall forward such application to the Kenosha County Sheriff, the Building Inspector and the Fire Chief who shall then each investigate or cause to be investigated such application for the purpose of determining whether the place to be licensed will comply with all the laws and regulations applicable thereto. The Sheriff, the Building Inspector and the Fire Chief shall each, within thirty (30) days, thereupon furnish to of the Village Board in writing the information derived from such investigation and the Village Board shall then hold a public hearing on such application.

(5) After such public hearing and after due deliberation in open session, the Village Board shall approve or deny the by majority vote. Upon the favorable voting for granting of the license, it shall thereupon be issued by the Clerk/Treasurer with such conditions as may be imposed by the Village Board. In the event the application is denied, such denial shall be based upon specific findings of facts.

(6) Each probationary license granted under this section shall be for a period of six (6) months, and each probationary license shall be subject to revocation as hereinafter provided.

(7) Probationary licenses may be granted based upon the written agreement of the applicant to comply with conditions set forth by the Village Board. Conditions may only be imposed based upon evidence presented which address the safety, health and welfare of the general population including noise and crowd disturbances and parking.

(8) The Clerk/Treasurer shall be responsible for drafting and issuing all such probationary licenses. All such licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that

may be imposed by the Village Board. All such licenses shall be posted in public view at the licensed premises, including all conditions.

(C) **Regular License.**

(1) After an applicant has held a probationary license for a period of six (6) months, the Village Board shall consider the issuance of a regular license. Whenever such application for a regular license is received by the Clerk/Treasurer, the Clerk/Treasurer shall follow those notification procedures provided for in subsection (B)(5) of this ordinance. Such consideration by the Village Board shall be preceded by an investigation by the Kenosha County Sheriff to determine if the Licensee has complied with this ordinance during the time that the probationary license has been in effect. The Sheriff shall thereupon furnish to the Board in writing the information derived from such investigation within thirty (30) days after application for a regular license. The Sheriff shall also furnish the Village Board in writing with information relative to the investigation of any complaints received by the Sheriff concerning the holder of the probationary license. No application for a regular license will be taken earlier than sixty (60) days prior to the expiration of the probationary license. If major structural modifications were not made to the premises, the Village Building Inspector may be required for renewal of a Regular Cabaret License.

(2) Each regular license granted under this section shall expire on June 30<sup>th</sup> of each year, and each license shall be subject to revocation as hereinafter provided. The renewal applicant must sign and verify that no structural changes were made to the premises and shall be subject to an updated Sheriff's background report.

(3) Regular licenses may be granted based upon the written agreement of the applicant to comply with conditions set forth by the Village. Conditions may be imposed which address the safety, health and welfare of the general population including noise and crowd disturbances and parking.

(4) The Village Clerk/Treasurer shall be responsible for drafting and issuing all such regular licenses. All such licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that may be imposed by the Village Board. All such licenses shall be posted in public view.

(D) **Renewals.**

(1) Any holder of a regular license granted under this ordinance or any holder of a license granted under a prior ordinance who wishes to renew that license and obtain a regular license shall submit his application for renewal at least sixty (60) days before their present license expires. Such licenses may be renewed

pursuant to the provisions of this ordinance as it applies to notice being given by the Village Clerk/Treasurer and pursuant to the provisions of this ordinance as it applies to investigation by the Sheriff's Department and action by the Village Board. Renewal applications not timely received shall be treated as a new application under sec. (B) of this ordinance.

(2) All such renewal applications shall be accompanied by a fee of One Hundred Fifty (\$150.00) Dollars.

(E) **Regulations.**

(1) No dancing shall be permitted within six (6) feet of a bar over which patrons are directly served.

(2) While dancing is in progress, the dance area shall be illuminated by at least two (2) foot candles per square foot.

(3) Good order shall be maintained at all times including the exterior of the licensed premises such as parking areas. Without limitation due to enumeration, a lack of "good order" for purposes of this section shall be deemed to include persistent loud noises to the annoyance or detriment of surrounding property owners, patrons urinating in public, using profane language or fighting.

(4) The license holder shall insure that the building capacity set by the Village Board or in lieu thereof, by the Kenosha County Sheriff's Department, after consultation with appropriate consultants shall be maintained at all times.

(5) Adequate parking and, if deemed necessary by the Sheriff's Department for safety reasons, lighted parking facilities shall be maintained so as to accommodate anticipated capacities.

(6) The license holder shall comply with all state statutes and regulations and all county and Village ordinances.

(7) Entertainment may be confined to a specified location on the premises. Premises are defined for purposes of this section as the enclosed structure or part of any enclosed structure licensed for distribution of liquor and/or malt beverages as described in the application for license on file with the Clerk/Treasurer. Cabaret Licenses shall not be issued for areas outside of an enclosed structure.

(8) Music and other entertainment which is amplified inside shall cease after 10:00 p.m. on Sunday through Thursday and 12:00 a.m. on Friday and Saturday.

(9) The management shall obey all reasonable orders or directions of any law enforcement officer.

(10) The performance of any act, stunt, or dance by performers under the auspices of the management, other than musicians, shall be given only on a raised portion of the floor separated by a railing or other device from the patrons so as to deter patrons from participating in any act, stunt or dance.

(11) No license holder personally or through the Licensee's agent or employees shall permit any patron to participate in any act, stunt or dance with performers who are under the auspices or furnished by the management. This section does not apply to Karaoke.

(12) No patron shall participate in any act, stunt or dance by performers who appear under the auspices of the management. This section does not apply to Karaoke.

(13) No entertainer or musician shall associate or fraternize with customers on the premises of the licensed establishment in which he or she is currently performing in violation of the provisions of §944.36, Wis. Stats.

(14) No Licensee, personally or through the Licensee's agent or employee, shall advertise or produce lewd, obscene or indecent performances.

(15) The top portion of the costume worn by female entertainers shall be of non-transparent material. It must encircle the body, and the areola of the breast must be completely covered. The lower portion of the costume worn by male or female entertainers must completely cover the entire pubic area and the cleavage of the buttocks and be of non-transparent material.

(F) **Revocation of License.**

(1) A recorded hearing shall be held for the purpose of revoking a license under this ordinance. This hearing shall be preceded by written notice to the holder of such license at least ten (10) days prior to said hearing. All hearings for revocation shall be heard before the Village Board, which hearings shall afford the holder of such license an opportunity to present evidence on his or her behalf, to cross examine witnesses sworn under oath and all such other due process rights to which the applicant may be entitled. The Village Board prior to revoking any such license shall make specific findings of fact to support revocation of the license. In lieu of revoking said license, conditions set by the Village Board to address specific nuisances, dangers or hazards may be imposed pursuant to this ordinance.

(2) Conviction for the violation of any provision of the Wisconsin Liquor Laws, local zoning or building and sanitary codes or the cabaret ordinance shall be sufficient for the Village Board to revoke such license. In the event any regular license is revoked, the fee paid for such license shall be forfeited and not returned

to the holder.

(3) The Village Board may, after the hearing described in subsection (F)(1), revoke any such Cabaret license upon sufficient proof that the holder has permitted or suffered the licensed premises to be conducted by the Licensee, employees, patrons or others in violation of health regulations or in a disorderly or improper manner, or in violation of the laws of the State or rules and regulations of the officers, boards, or commissions of the State applicable thereto, or for any reasons set forth in sub. (2) or any violation of subsection (G), below.

(4) Any license holder whose license is revoked may appeal to the Board of Trustees in writing within fifteen (15) days of such decision.

(5) If any Cabaret License is revoked or rescinded, the applicant may reapply after a period of one (1) year. The applicant must show that measures were taken to correct the deficiencies that caused the revocation. Any applicant having their cabaret license revoked twice shall not be permitted to reapply for five (5) years.

(G) **Responsibility of Licensee.** Over and above the other provisions of this Chapter and Chapter 125, Wisconsin Statutes, every Class "A", "Class A", Class "B", or "Class B", or "Class C" (if available) Licensee licensed under this Chapter shall, during hours of operation of the licensed premises, be responsible for the conduct of patrons and persons who are not on the licensed premises, but are present on the following described off-licensed premises' property:

(1) Parking lot owned, leased or operated by Licensee which serves the licensed premises;

(2) The lot upon which the building being the subject of the license or parking lot serving the licensed premises is situated;

(3) Loitering where accompanied by loud noise, threats, fighting, open intoxicants, consumption of intoxicants, weapons use or display, illegal drug use or sale, urination, or otherwise disturbing, disorderly, or illegal conduct;

(4) Loitering of persons under the influence of alcohol beverage or drugs; hereinafter "loitering". The Licensee shall be responsible to monitor off-licensed premises property for compliance with this Ordinance. The Licensee shall have a duty to direct patrons or persons engaged in loitering to immediately leave property. The Licensee is not to use physical force to remove any such person or patron. Should notified persons and patrons fail to comply, Licensee shall have an obligation to call the Sheriff's Department for assistance. The Licensee may elect to first call the Sheriff's Department if the Licensee has concern for their safety. "Licensee" shall mean and include any person having control of the operation of the licensed premises.

(H) **Administrative Suspension.** Upon written request made and filed with the Clerk/Treasurer by the Kenosha County Sheriff, the President or the President Pro Tem in the absence of the President may immediately suspend any license issued under this Section. A written order of administrative suspension shall be served upon the Licensee. All licensed activities shall remain suspended until completion of an administrative review hearing. Upon administrative suspension, an administrative review hearing shall be scheduled for license review within ten (10) days pursuant to the terms of this Ordinance.

(I) **License Transfers.** Any cabaret license issued pursuant to the provisions of this section shall not be transferable.

(J) **Severability.** If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(K) **Penalty.** In addition to any other action taken by the Village Board, anyone who violates any of the provisions of this section shall forfeit not less than Two Hundred Fifty (\$250.00) Dollars and not more than Five Hundred (\$500.00) Dollars for each offense, together with the costs of prosecution. If such forfeiture and costs are not paid, he shall be imprisoned in the County Jail for not more than sixty (60) days.

Dated at Somers, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, President

Attest: \_\_\_\_\_  
Brandi Baker, Clerk/Treasurer

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE TO CREATE SECTION 12.155  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
RELATING TO SPECIAL EVENT PERMIT

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby creates Section 12.155 of the Code of Ordinances of the Village of Somers to read as follows:

**12.155 SPECIAL EVENT PERMITS.**

(A) **Purpose.** This Section is enacted to regulate and control outdoor and indoor/outdoor special events and activities incidental to special events within the Village of Somers to the extent that the health, safety, and general welfare of the public and the good order of the Village can be protected and maintained. It is recognized that special events may include multiple activities which are subject to additional Village licensing requirements. A Special Events Permit does not authorize the sale or dispensing of alcoholic beverages without an appropriate license.

(B) **Definitions.**

(1) **Single Special Event Permit Term.** A permit issued for a period of time up to twenty-four (24) consecutive hours authorized by the Reviewing Authority. No more than \_\_\_\_\_ Single Special Event Permits shall be issued to a Special Event Organizer in any calendar year.

(2) **Recurring Special Event Permit Term.** A permit issued for a period of three hundred sixty-five (365) days commencing on the first day of April and ending on the 31<sup>st</sup> day of March the following calendar year. Recurring Special Event Permits may be issued to a Special Event Organizer where the special event is located in the PR-1, A-2 or I-1 zoning districts within the Village where the Special Event Organizer and the location of the special event historically has hosted numerous activities which would be considered special events under this Ordinance. Recurring Special Event Permits shall only be issued to the owner of the property or to a lessee or licensee of the owner where such lessee or licensee has exclusive right to the use and possession of the property. In the event that a Recurring Special Event Permit is issued for a qualifying premises and someone other than the permittee under the Recurring Special Event Permit seeks to hold a special event, a separate Single Special Event Permit must be sought by the lessee or licensee of the party which is the permittee under the Recurring Special Event Permit. By way of illustration, in the event that a Recurring Special Event Permit is issued to the owner of a particular parcel and the owner allows another

person, firm or organization to have an activity which would be considered a special event under this Ordinance, the organizer of that activity must make application as a Special Event Organizer for a Single Special Event Permit and cannot conduct a special event under the Recurring Special Event Permit issued by the Village for such property. It is recognized by the Village that the holder of a Recurring Special Event Permit may not be in a position at the time of application for such permit to provide a description of all of the activities and/or dates for such activities for a calendar year due to the addition, cancellation or change of dates for such activities. As such, the holder of a Recurring Special Event Permit shall, not less than thirty (30) days before the proposed special event, notify the Village Clerk/Treasurer of the date, time and general description of such special event and the periodic updating of special event information under a Recurring Special Event Permit shall be a condition of the permit pursuant to paragraph (I), below.

(3) **Reviewing Authority.** The Reviewing Authority for special events shall be the Village Board of Trustees unless such authority is delegated in whole or in part by the Village Board to the Village Clerk/Treasurer.

(4) **Special Event.** An event, program or activity occurring on a scheduled date, lasting no longer than twenty-four (24) hours (in the case of a single special event) or consisting of reoccurring consecutive or non-consecutive days (in the case of a recurring special event), to which the general public is solicited or otherwise encouraged to attend that may or may not require Village services. Types of Special Events include, but are not limited to, concerts, parades, festivals, marches, ceremonies, tournaments, exhibitions, expositions, fairs, live music performances, markets, fundraisers or shows.

(5) **Special Event Organizer.** An approved applicant for a special event. A Special Event Organizer must be the owner, lessee or licensee of the real property upon which the special event is to take place.

(6) **Vendor.** A person, firm, party or business entity who as part of a Special Event, offers anything for sale, trade, use or reuse, including but not limited to, articles, food, produce, beverage, goods, service, art, craft or product; or interacts with potential customers in or around the Special Event, taking names for the purpose of making future sales, offering applications or materials for future sales, or in any other participating operation or attempting to publicly sell or offer for sale any such article or service.

(C) **Permit Required.** A Special Event Permit shall be required under this section prior to and as a condition of any person, party, firm or corporation undertaking a special event. A Special Event Permit shall be issued in the name of the Special Event Organizer, who shall be responsible for the conduct and supervision of all activities authorized under the Special Event Permit, whether or not said Special Event Organizer is present at the special event location. However, this does not preclude enforcement of statutory or ordinance violations against individuals conducting the activities under such

permit. A Special Event Permit issued pursuant to this section shall authorize only those activities described in the permit.

(D) **Exceptions.**

- (1) A special event organized and approved by the Village of Somers.
- (2) Activities which would otherwise be described as a special event which have been organized and approved pursuant to a lease or other agreement between an Event Organizer and the Village of Somers.

(E) **Application.** Application for a Special Event Permit shall be fully completed, properly executed, and filed not more than three hundred sixty-five (365) days and not less than thirty (30) days prior to the special event with the Village Clerk/Treasurer on a form designed for that purpose. The application shall:

- (1) Identify the Special Event Organizer's name, address and telephone number(s);
- (2) Set forth the exact date(s) and times of the special event;
- (3) Describe the specific location of the premises for which a Special Event Permit is sought, including a scaled site plan, detailing locations for vending, entertainment, stages, portable restrooms, tents, parking, garbage collection, etc.;
- (4) Include an operational plan describing the special event and detailing actions the Special Event Organizer will take to support the objectives of this section. The operational plan must address the Permit Standards (Section H) and Permit Conditions (Section I) of this section;
- (5) Describe all Village services required, if any;
- (6) Any other relevant information requested on the application form which is reasonably necessary to a fair determination as to whether the Special Event Permit should be issued.

(F) **Permit Application Fee.** If filed forty-five (45) days or more prior to the special event, the non-refundable permit fee shall be Seventy-five (\$75.00) Dollars per event application. If filed less than forty-five (45) days, but at least thirty (30) days prior to the special event, the non-refundable permit fee shall be One Hundred Fifty (\$150.00) Dollars per event application. The following types of special events are exempt from paying the licensing fee if the application is filed forty-five (45) days or more prior to the date of the special event:

- (1) A special event presented by the Village or Town of Somers shall be deemed to be a permitted special event.

(2) Activities sponsored and organized by an accredited school, school system, college, bonafide youth organizations, bonafide veteran's organization, church or bonafide religious organization upon authorization of the Reviewing Authority responsible for use of the Village property.

(G) **Review.** Applications for Special Event Permits shall be referred by the Clerk/Treasurer to the Department of Public Works, Kenosha County Sheriff's Department, Fire Department, and any other affected Village Department for review and written comment. Within ten (10) days of receiving the application the Village and any other affected Department shall send their comments to the Clerk/Treasurer to be forwarded to the Reviewing Authority for consideration. Upon the conclusion of the ten (10) day Departmental review period, the Reviewing Authority shall complete its review and grant, grant with conditions or deny the application within twenty-eight (28) days. Whenever a permit application is denied, a statement of the reason(s) for denial shall be provided to the applicant in writing.

(H) **Standards For Permit Issuance.** The Reviewing Authority shall consider the following standards for permit issuance and grant a permit only upon finding that:

(1) The proposed special event is incidental to an appropriate recreational or cultural use of the location, taking into consideration all land use regulations for the location, including zoning and any Conditional Use Permit requirements.

(2) The operational plans submitted by the Special Event Organizer will promote the health, safety and general welfare of the public and the good order of the Village.

(3) The activity or use will be in compliance with applicable Federal, State, County and Village laws, rules and regulations.

(4) The activity or use will not create an unreasonable risk of loss of life, personal injury or property loss or damage or otherwise threaten the public health, safety or welfare.

(5) The activity or use will not unreasonably interfere with the use of the location or surrounding areas by the general public and is consistent with uses in the surrounding neighborhood.

(6) The activity or use will not entail an unusual, extraordinary or burdensome expense to the Village which is not recovered in the permit fees or charges.

(I) **Permit Conditions.** Because all special events are unique and independent in terms of type, purpose, location, size, duration and participation, presenting unique issues and circumstances and challenges with regard to the health, safety and general welfare of the public, the Reviewing Authority, as a condition of issuance, may adopt reasonable operational rules, regulations and requirements for the special event. Notwithstanding the foregoing, the following permit conditions are applicable to all special events:

- (1) Compliance with applicable Federal, State, County and Village laws, rules and regulations including licensing conditions and operational requirements.
- (2) Execution of an Indemnity and Hold Harmless Agreement.
- (3) Provide private security for traffic, parking and/or crowd control.
- (4) Clean up area immediately following use.
- (5) Supervise all persons using the location under authority of the Special Event Permit to ensure compliance with the permit conditions.
- (6) Reimbursement to the Village of costs incurred in enforcing permit standards and conditions.
- (7) Procure and maintain one (1) or more liability insurance policy(ies) written by one (1) or more insurance company(ies) licensed to do business in the State of Wisconsin as required by paragraph L of this section.
- (8) Procure any other license or permit required for the activity.
- (9) No later than fourteen (14) days prior to the event, submit a list of all vendors who will be vending during the special event. If a special event consists of reoccurring non-consecutive days, the vendor list must be amended to reflect additions when applicable.
- (10) Have separate, clean and immediately accessible toilet facilities for each sex on the premises.

(J) **Village Services.** Special events provide recreational programs which are an enhancement to the quality of life for the residents of the Village to which the Village may contribute Village services. If the special event will require the use of Village equipment or services, the Special Event Organizer shall pay the actual cost, as determined by the Village staff, for the use of such equipment or services.

This may include, but is not limited to, equipment rental; equipment installation; personnel costs for set up and tear down; and waste removal. As a condition of approval of an application, the applicant shall pay, at the time the application is filed, the cost of any Village services identified. The cost for use of Village venues with regularly established fees, for protective services provided by the Kenosha County Sheriff's Department and the Somers Fire Department, as well as costs paid to third parties such as utility charges and insurance premiums, shall be the sole responsibility of the Special Event Organizer. All charges shall be paid in full within thirty (30) days of billing.

A special event presented by the Village or Town of Somers shall be exempt from paying the costs described herein.

(K) **Issuance.** To assure that conditions and insurances are in place throughout the Special Event, proof of insurances required pursuant to paragraph L., shall be a condition of issuance.

(L) **Insurance.**

(1) If the special event will occur partially or entirely on Village of Somers property, the Special Event Organizer shall, at a minimum, procure and maintain during the term of the Special Event occurrence based insurance policies, hereinafter specified insuring the Special Event and all associated Special Event activities. The Reviewing Authority may require additional coverages and/or increased coverage when deemed necessary.

(a) Commercial General Liability:

- (i) General Aggregate—Two Million (\$2,000,000.00) Dollars.
- (ii) Each Occurrence—One Million (\$1,000,000.00) Dollars.

(b) Automobile Liability: (When required as a permit condition)

- (i) Combined single limit coverage for bodily injury and property damage per accident in the amount of One Million (\$1,000,000.00) Dollars.

(c) Liquor Liability Coverage (When alcohol is approved for the Special Event)

- (i) General Aggregate—One Million (\$1,000,000.00) Dollars
- (ii) Each Occurrence—One Million (\$1,000,000.00) Dollars

(d) Umbrella Liability in the following amounts over the Commercial General Liability and Automobile Liability amounts listed herein: (When required as a permit condition)

- (i) Two Million (\$2,000,000.00) Dollars per person
- (ii) Two Million (\$2,000,000.00) Dollars aggregate

The Commercial General Liability coverages required herein may be subject to a deductible or self-insured retention. If the Commercial General Liability insurance coverage policy has a deductible or self-insured retention, said deductible or self-insured retention cannot exceed Five Thousand (\$5,000.00) Dollars. The Umbrella Liability policy shall not contain exclusions or exceptions not present in the General Liability insurance policy.

(2) **Certificate of Insurance**. The insurance coverages listed above shall be verified by a Certificate of Insurance issued to the Village and shall provide that should any of the described policies be canceled before the expiration date thereof, the issuing company will mail ten (10) days written notice to the certificate holder.

(3) **Additional Named Insured Endorsement**. For special events requiring insurance coverage, the Village must be named as an additional insured on the Commercial General Liability, Automobile Liability, Liquor Liability and the Umbrella Liability. The Special Event Organizer shall provide the Village with a copy of the Endorsement(s) naming the Village as an additional insured.

(4) **Cancellation Endorsement**. All insurance policies maintained pursuant to this section will provide by endorsement that they may not be terminated nor may coverage be reduced except after ten (10) days' prior written notice to the Village. The Special Event Organizer shall provide the Village with a copy of the Cancellation Endorsement.

(5) **Primary Insurance Endorsement**. All policies maintained pursuant to this section will provide by endorsement that said policies are primary, not contributing with and not supplemental to the coverage that the Village may carry. The Special Event Organizer shall provide the Village with a copy of the Primary Coverage Endorsement.

(6) **Waiver of Subrogation Endorsement**. All policies maintained pursuant to this section shall by endorsement, waive all claims of subrogation and/or contribution against the Village that the Insurer may have arising out of the special event. The Special Event Organizer shall provide the Village with a copy of the Waiver of Subrogation Endorsement.

(M) **Laws**. There must be strict compliance with all applicable laws, specifically including the Fire Prevention Code and related permit requirements and when alcohol is served obtaining State required licenses embodied in Chapter 11 of the Code of General Ordinances.

(N) **Protective Service Accessibility**. At any time during the application review process or during the operation or maintenance of the special event, the Special Event Organizer and every affected Vendor shall comply with the orders or directives of members of the Kenosha County Sheriff's Department or Somers Fire Department regarding the keeping of accessibility lanes open for potential and actual emergency response. Failure to comply with such lawful orders or directives is a violation of this Chapter, which may result in the closure of a portion of the special event, closure of the entire special event, and/or citations appropriate under the Code of General Ordinances.

(O) **Operational Regulation**. A special event must be operated in strict compliance with the terms of this Section, the approved application and supporting documentation and all permit conditions adopted by the Reviewing Authority. Failure to do so shall be subject to an order to suspend and terminate the special event or event activities at the sole discretion of the enforcement authorities in furtherance of this Section.

(P) **Enforcement**. The enforcement of this Section shall be under the jurisdiction of the

Village Building Inspector, Somers Fire Department and Kenosha County Sheriff's Department, who shall have the authority to inspect a special event to determine compliance with this Section.

(Q) **Suspension or Revocation of Permit.** The Reviewing Authority may suspend or revoke any permit issued hereunder which is operated contrary to the terms of a permit issued under this Section, upon providing permit holder with a reasonable time, not to exceed ten (10) days, in which to file a written request with the Village Clerk/Treasurer to be heard in said matter, and show cause why the proposed action should not be taken. However, a permit may be administratively suspended by an Enforcing Authority identified in paragraph (P) without prior notice or opportunity to be heard where it constitutes an immediate danger to the public health, safety or welfare, where the special event is not operated in conformance with representations made in the application and the approved permit contrary to the provisions of this Section. In such cases, an opportunity for a post-removal hearing shall be provided following the foregoing provisions for an appeal.

(R) **Penalty.** Any person, firm, corporation or permittee who violates any provision of this Section, shall, upon conviction, forfeit not less than Two Hundred (\$200.00) Dollars and not more than Five Hundred (\$500.00) Dollars, plus costs of prosecution, in addition to all applicable surcharges and assessments. A person may be incarcerated in the County Jail for not more than ninety (90) days for non-payment of their forfeiture.

Dated at Somers, Wisconsin, this \_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, President

Attest: \_\_\_\_\_  
Brandi Baker, Clerk/Treasurer



**VILLAGE OF SOMERS  
VILLAGE BOARD  
WORK SESSION ITEM MEMORANDUM**

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**WORK SESSION:** December 6<sup>th</sup>, 2022

**TO:** Village President Stoner and Village Trustees

**FROM:** Jason J. Peters, Administrator

**AGENDA ITEM:** #11 Discuss possible restrictions on the following streets:

- 64<sup>th</sup> Ave. – No parking on anytime on either side of 6<sup>4th</sup> Avenue from 45<sup>th</sup> Street to its termination.
- 1<sup>st</sup> Way – No parking anytime on either side of 1<sup>st</sup> Way from CTH KR to 62<sup>nd</sup> Avenue.
- 62<sup>nd</sup> Ave.- No parking anytime on either side of 62<sup>nd</sup> Avenue from 1<sup>st</sup> Way to its termination.
- 28<sup>th</sup> St. – No parking anytime on either side of 28<sup>th</sup> Street from 120<sup>th</sup> Avenue to 113<sup>th</sup> Avenue.
- 113<sup>th</sup> Ave. – No parking anytime on 113<sup>th</sup> Ave. from CTH S to its termination.

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**BACKGROUND:**

Public Works has requested that the Board discuss the possibility of posting 1<sup>st</sup> Way and 62<sup>nd</sup> Avenue, 28<sup>th</sup> Street and 113<sup>th</sup> Avenue, and 64<sup>th</sup> Avenue as “No Parking”. Attorney Davison has drafted the requisite ordinance to post these areas as “No Parking”

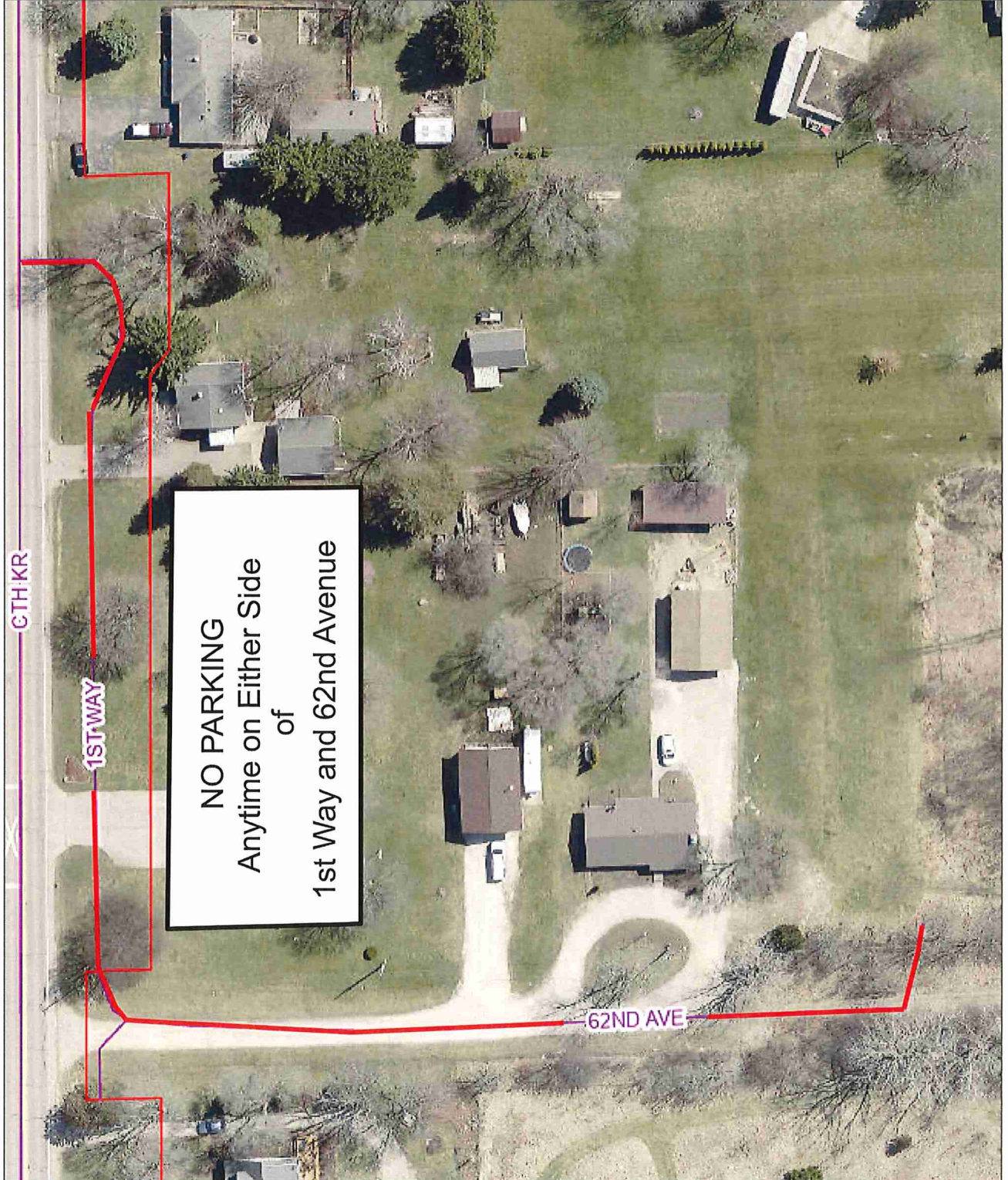
**COMMENTS:**

Staff requests direction as to whether the Board wishes to add this item to the Board Meeting Agenda for December 13<sup>th</sup>, 2022.

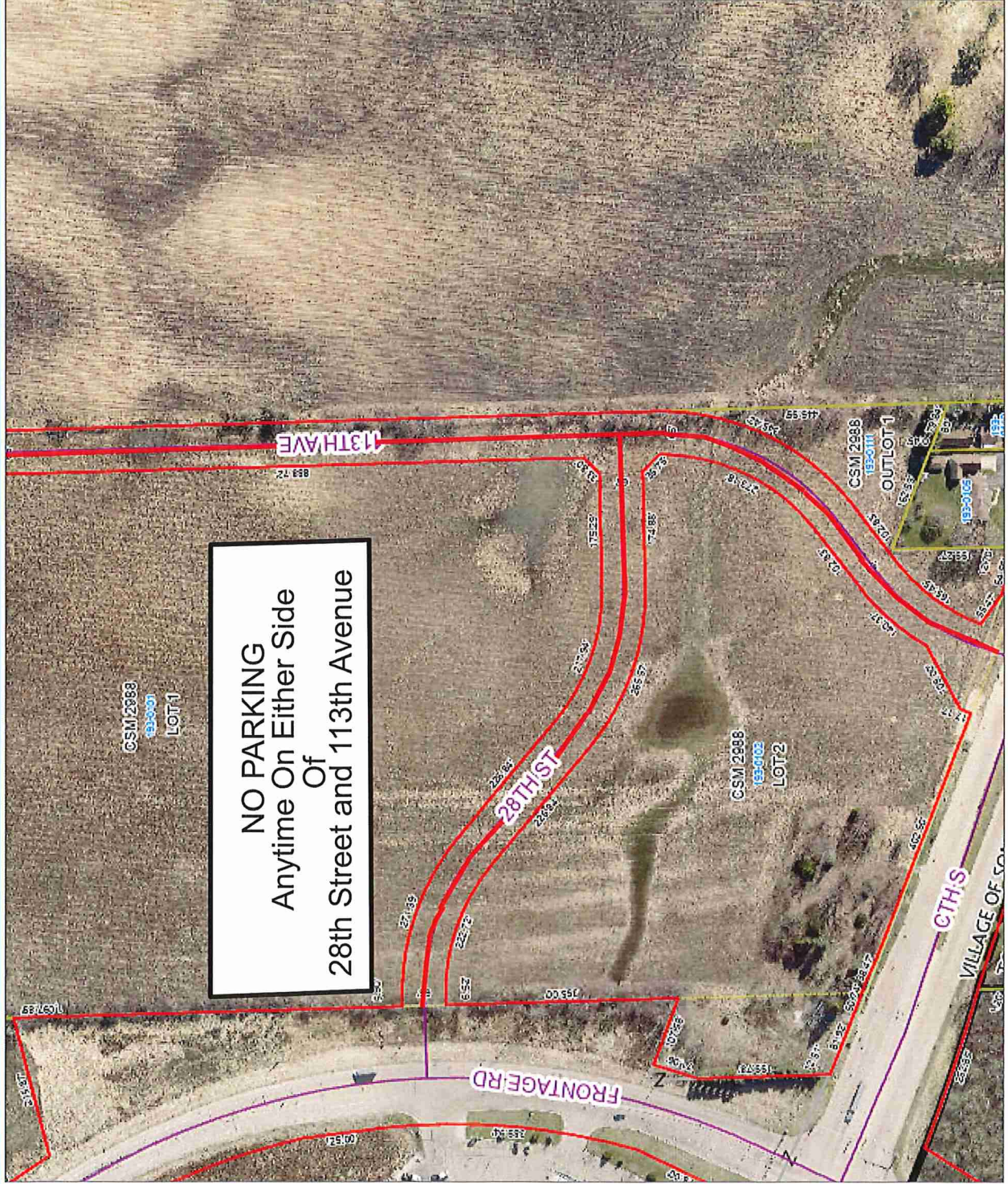
**ATTACHMENTS:**

Proposed No Parking Areas

## Proposed Ordinance



1 Inch = 75 Feet



1 Inch = 225 Feet

DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.



1 Inch = 56 Feet

Date Printed: 12/1/2022

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO CREATE SECTIONS 7.03(E), (F), (G), (H) and (I)  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
REGARDING NO PARKING

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby creates Section 7.03(E), (F), (G), (H) and (I) of the Code of Ordinances of the Village of Somers to read as follows:

- (E) No parking on either side of 63<sup>rd</sup> Avenue from 45<sup>th</sup> Street to its termination.
- (F) No parking on either side of 1<sup>st</sup> Way from CTH "KR" to 62<sup>nd</sup> Avenue.
- (G) No parking on either side of 62<sup>nd</sup> Avenue from 1<sup>st</sup> Way to its termination.
- (H) No parking on either side of 28<sup>th</sup> Street from 120<sup>th</sup> Avenue to 113<sup>th</sup> Avenue.
- (I) No parking on either side of 113<sup>th</sup> Avenue from CTH "S" to its termination.

Dated at Somers, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, President

Attest: \_\_\_\_\_  
Brandi Baker, Clerk/Treasurer



[www.somers.org](http://www.somers.org)

P.O. Box 197, Somers, WI 53171 • PH: (262) 859-2822 • FAX: (262) 859-2331

**VILLAGE OF SOMERS  
VILLAGE BOARD  
WORK SESSION ITEM MEMORANDUM**

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**WORK SESSION:** December 6<sup>th</sup>, 2022

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #12 Discussion regarding CIP Program

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**BACKGROUND:**

President Stoner has requested some time at our December 6<sup>th</sup> Work Session to discuss the CIP program.

**ATTACHMENTS:**

Public Works Memo regarding CIP

To: Village President George Stoner  
Village Trustees J. Aupperle, B. Harbach, J. Nelson, K. Ostby, G. Sinnen, and J. Smith  
Village Administrator Jason Peters  
Re: Village of Somers Public Works 2023 CIP Proposal  
From: Jerry Smith  
Date: November 29, 2022

**Overview**

**Snow Patrol Dump Trucks**

Due to the aging of the Somers Public Works snow patrol fleet, I am proposing that the Village of Somers budget monies for the replacement of two snow patrol vehicles. Both vehicles are 2009 Freightliner dump trucks outfitted with Monroe snow plowing and snow maintenance equipment. One vehicle is a tandem axle 12-yard capacity truck, and the other vehicle is a dual axle 5-yard capacity truck.

The lead time on these vehicles is estimated to be 1 ½ years, so delivery of these vehicle will not happen until the year 2024 and I ask at this time the Village Trustees budget and set aside monies for the purchase.

**12-Yard Snow Patrol Truck**

Peterbilt 12-Yard Plow Truck Chassis -	\$ 135,784.54
Monroe 12-Yard Plow Accessories -	130,240.00
Estimated Price Increases at 10% -	26,602.45
	=====
Proposed Budgeted Amount =	\$ 292,626.99

**5-Yard Snow Patrol Truck**

Peterbilt 5-Yard Plow Truck Chassis -	\$ 127,711.10
Monroe 5-Yard Plow Accessories -	130,240.00
Estimated Price Increases at 10% -	25,795.11
	=====
Proposed Budgeted Amount =	\$ 283,746.21



Front-End Wheel Loader

The Public Works JCB Backhoe is over 20 years old and is continuously requiring repairs. With the purchases of the new Mecalac equipment this machine has become somewhat obsolete, and I am proposing that we dispose of this machine and upgrade our capabilities with the purchase of a Front-End Wheel Loader.

Preliminary pricing is as follows:

Case Model 621G ( 8 to 12 mth. lead time )	-	\$ 225,000
Caterpillar Model 926 ( 8 to 12 mth. lead time )	-	\$ 260,000
Komatsu Model WA270 ( 2 to 3 mth. lead time )	-	\$ 220,000
John Deere Model 544	-	Price to be determined

**Village of Somers  
7511 12th Street  
Somers, WI 53171**

**Village Board Meeting  
Tentative Agenda  
Tuesday, December 13, 2022  
5:30 p.m.**

<b>Village Board Meeting:</b>	
<b>Item #</b>	
1	Call to order
2	Pledge of Allegiance
3	Consent and Approval of Minutes of Regular meetings on November 22, 2022, Special Meeting November 29, 2022. Vouchers dated November 24, 2022, December 1, 2022, and December 8, 2022
4	Correspondence:
5	Citizens Comments
6	President and Trustee Comments
7	Action on request for partial payment #4 from Willkomm Excavating & Grading, Inc. in the amount of \$13,021.12 for work on 2022 Water Mains (Becknell & First Park 94)
8	Action on change order #2 from Willkomm Excavating & Grading, Inc. in the amount of \$23,433.55 for work on 2022 Water Mains (Becknell & First Park 94)
9	Action on request from Tyler and Deleen Nehls for Release of Conservation Easement on Tax Parcels # 83-4-223-064-0213 & 83-4-223-064-0214 (507 13t Avenue)
10	Action on Ordinance No. 2022-0XX, An Ordinance to Create Sections 7.03(E), (F), (G), (H) and (I) of the Code of Ordinance of the Village Of Somers Regarding No Parking
11	Approval of Operator's Licenses: Jennifer Vander Loop
12	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the December 13, 2022 Village Board Meeting & Tentative Agenda in 1 public place & on the Village website.

Dated this 2<sup>nd</sup> day of December\_2022

Brandi Baker, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken**